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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Council Notifications

UVA PROVINCIAL COUNCIL

Land Development Statute of the Uva Provincial Council

A Statute to provide for the regulation of the state land belonging to the Republic and situated within the Uva Provincial, by Government or by the Uva Provincial Council and to regulate the alienation of such lands and lands belonging to the Provincial Council to increase the Productivity of the lands in compliance with the provisions of the delegation of powers to the Provincial Council as stated in (the 18th subject of the Provincial Council List namely the subject of land and in Appendix II) of the List 1 of article 154 of Ninth Schedule of Chapter XVII A of the Constitution of the Democratic Socialist Republic of Sri Lanka and to Provide for matters connect there with or incidental thereto. This statute is inconsistent with State Lands Ordinance No. 19 of 1981, Act, No. 22 of 1993, Act, No. 9 of 1995, and Act, No. 7 of 1974 which was ended by Act, No. 29 of 1983.

Be it enacted by the Uva Provincial Council as follows :

1. This Statute may be cited as Land Development Statute of Uva date of Province No. 01 of 2004 and shall come in to operation on such date as the Governor of Uva Province may approve.

Short title and operation

CHAPTER I

STATE LANDS AND PROVINCIAL COUNCIL LAND

02. (1) If there is any land which has been utilized for the purpose of the Provincial Council under the Provisions of the Provisions of the Constitution on the date of operation of this State, which has been made available for Provincial Council subject such land shall deemed to be a land available to the Provincial Council under 1 : 1 or 1 : 2 of Appendix II of Ninth Schedule (Provincial Council List) of the constitution. After such land has been made available to the Provincial Minister in change of the subject of lands of the Provincial Council shall publish such fact in the Government *Gazette*.

State land made available to the Provincial Council

(2) The Provincial Council shall be entitled to utilize any land which is made available to it under sub section (1) above for any other subject of the Provincial Council list.

03. (1) If the Provincial Council requires a new state land for any Provincial Council subject, the Provincial Council shall make a request from the President to make such land available to the Provincial Council.

Procurement of State land by the Provincial Council

(2) (a) On receiving a request to grant a state land for any purpose of the Provincial Council, the Provincial Land Commissioner shall hold such inquiry in respect of the land, which is considered to be sufficient by him and if he is satisfied that it is expedient to procure such land for such purpose, the Provincial Land Commissioner shall submit such request for land to the president with the consent of the Minister.

(b) After the president has given a block of land to the Provincial Council for its purpose as requested under Section 2 (a) above, such land may be surveyed and demarcated by erecting land marks.

(3) Any State land granted to the Provincial Council for any subject of the Provincial Council in terms of sub-section (1) above may be utilized for any other subject of the Provincial Council list of provincial provided however, it is the duty of the Provincial Council to inform the president before using such land for any other purpose.

State lands which are taken for the use of the Government.

04. (1) Where the Government consults the Provincial Council to utilize a state land for subjects specified in reserved or concurrent list of the constitution of the Democratic Socialist Republic of Sri Lanka, the Provincial Council shall make a request from the Government to make a written request specifying the particulars of :

- (a) the purposes for which the land is required ;
- (b) the situation of the land ;
- (c) extent of the land ;
- (d) boundaries of the land.

(2) Where the Provincial Council receives a request referred to in sub-section (1) above, it shall be the duty of the Provincial Council -

- (a) where such request can be granted, to inform such fact before the expiry of 42 days ;
- (b) where such request cannot be granted, to propose an alternative land to the Government.

(3) The procedure to be adopted when giving consent of Provincial Council with regard to a state land being used by the Government shall be made by the Provincial Council.

Matters to be considered when giving consent to Provincial Council.

05. When giving consent of the Provincial Council for the use of any State land by the Government, it should be considered as to : -

- (a) whether such land is free of encumbrances ;
- (b) whether such land is reserved for some other purpose ;
- (c) whether such land is of some economic, Cultural, archaeological, or environmental importance to the province.

Lands which were being used by the Government.

06. Any land which were being used by the Government for any subject in the reserved or concurrent list up to the date of implementation of this statute, shall deemed to be a land which is being used by the Government after consulting the Provincial Council in accordance with the provisions of the Constitution.

CHAPTER II

MAPPING OUT OF THE LANDS

Lands that could be mapped-out

07. For the purpose of this Chapter, land mean State lands in the Province which are not been utilized or not apportioned for any other purpose.

Purpose for which land may be mapped-out

08. Subject to the general or special directions of Provincial Land Commissioner, State Land may be mapped-out by the Competent Authority for any one or more of the following subjects : -

- (a) Village expansion ;
- (b) Village forest ;
- (c) Village pasture ;
- (d) Village purposes not herein specified ;

- (e) Human re-settlements ;
- (f) Protection of sources or courses of streams ;
- (g) Prevention of the erosion of soil ;
- (h) Forest reserves ;
- (i) Government purposes, including Government buildings, roads or works ;
- (j) Reservations for climatic and other ecological purposes and environmental protection ;
- (k) Reservation of objects of archaeological or historical interest ;
- (l) Requirements of local authorities ;
- (m) The developments of towns ;
- (n) Alienation to certain classes or persons ;
- (o) Any other purpose that may be prescribed, having regard to the protection, conservation and development needs of the area ;
- (p) For Co-operative societies, companies and other organizations ;
- (q) For projects approved by the Board of Investments of Sri Lanka ;
- (r) For urban and rural housing projects ;
- (s) Demarcation of boundaries of tanks, ponds, reservoirs, rivers, streams, canals, water courses, marshy reserves, low lands, other common lands and reservations.

09. When State land has been mapped-out in accordance with the provisions of Section 8, the Competent Authority in charge of that work shall cause to be prepared.

Scheme to map-out lands and diagram to be prepared.

- (a) A scheme specifying the mapped-out areas and the purposes for which the lands in such areas have been respectfully reserved ;
- (b) A diagram depicting the mapped-out areas specified in the scheme.

10. The Provincial Land Commissioner may confirm the scheme and the diagram forwarded to him under the aforesaid section the 9, or he issue to the Competent Authority such further directions or instructions in regard to the scheme or diagram as he may consider requisite ; and the Competent Authority shall observe and give effect to such directions or instructions.

The Confirmation of the scheme and diagram by the Provincial Land Commissioner.

11. Where the Provincial Land Commissioner is satisfied that his advice or directions under Section 10 have been implemented, he may, confirm the scheme or the diagram.

Confirmation of amended scheme and diagram.

12. The scheme confirmed by the Provincial Land Commissioner shall be notified to the public in the prescribed manner by the Competent Authority.

Scheme to be notified to the public.

13. Upon the publication of a notice under Section II, every members of the public shall be entitled to inspect free of charge the diagram depicting the scheme of mapping-out relevant to the scheme.

To right of public to inspect diagram.

14. (1) If the Minister consider it expedient to vary the scheme approved by the Provincial Land Commissioner, he may cause it to be varied in consistence with the National Land Policy however, it is the consent of the Provincial Land Advisory Council with regard to such a variance.

The power of the Minister to vary the scheme.

(2) In this Chapter mapping-out means a mapping-out of a land before or after the commencement of this statute.

CHAPTER III

ALIENATION OF LAND

Advising the President on disposition of State Lands.

15. In advising the President on disposition or alienation of State Lands within the Province to any individual or Organization, the Provincial Council shall comply with provisions of this chapter.

Only lands reserved for disposition to recommended.

16. With regard to the disposition of state lands to an individual or an organization the Provincial Council shall advise the be president only in respect of lands reserved for the relevant purpose in terms the provisions of this section shall not be deemed to have prevented any action under any other provision of this chapter.

17. (1) On a proposal made by the Minister, the Board of Ministers may approve the issue of permits to -

- (a) Occupy ;
- (b) Engage in agriculture activities ;
- (c) Engage in any other function or project approved by the Board of Ministers :
 - (1) In lands owned by the Provincial Council under sub-sections 1 : 2 and 1 : 3 of Appendix II of the 13th amendment to the constitution or by any other means and in state lands situated within the Provincial Council.
 - (2) The issue of permits to persons having low incomes and farmers who are engaging in agricultural activities may be exempted from payment of fees.
 - (3) The Minister shall make regulations in terms of Section 63 of this state to provide for the charging of fees.

Selection of persons to whom state land shall be alienated.

18. (1) The Selection of persons to whom state land shall be alienated may be made at a Land Kachcheri. The Minister shall make regulations to provide for this matter.

Individual or Organization may be selected on concessionary basis.

(2) On the recommendation of the Minister the Board of Ministers may select any organization for alienation of land in order to perform any function or special project approved by the Board of Ministers. The maximum acreage of land could be given for special project is 250 acres.

The power of Provincial Land Commissioner to vary a decision by way of revision.

(3) Where by reason of a decision of a Competent Authority made at a Land Kachcheri a person is notified his selection for alienation of a land or a person in occupation of any land as a permit holder, the Provincial Land Commissioner may, within one year after the date on which such selection was notified or such person has been in occupation of such land, vary by way of revision the decision of the Competent Authority, if in the opinion of the Provincial Land Commissioner, the selection has not been made in accordance with the provisions of this statute.

The power of Provincial Land Commissioner to cancel the selection of a person.

(4) If in the opinion of the Provincial Land Commissioner, a person selected for alienation of a land under sub-section (1) above, has failed or neglected to develop such land, after a period of one year from the date on which such person was notified of such selection, the Provincial Land Commissioner may cancel such selection.

Issue of permits to develop a land.

19. When including conditions in a permit, as to how a land which is alienated to an individual or organization, shall be developed, the Provincial Land Commissioner, shall get appropriate technical advise and in determining as to whether such land has been developed, he shall act on technical advise.

20. An individual or Organization selected for alienation of a land under this chapter, shall be given the possession of such land, the Competent Authority shall issue a permit to such person in his name within a period of not more than three months of the date on which possession was given and such permit shall contain conditions as to how such person shall utilize that land.

21. An individual or Organization who has derived rights for a land by virtue of a permit under this chapter may reunicate such rights voluntarily. The Minister may make regulations in this regard.

Renuciation of rights.

22. A permit in respect of a land is personal to the permit holder and he is not entitled to dispose of his rights to the land on such permit.

A permit is personal.

23. (1) Where a permit holder who has received a permit in respect of any state land has fulfilled all the conditions stipulated in the permit, to the satisfaction of the Provincial Land Commissioner, the permit holder is entitled to receive an instrument of disposition of such land issued by the president.

Disposition.

(2) The president may sign and place the public seal of the Republic or sign and place the public seal on the legal document of disposition issued by the president in terms of Appendix II of Ninth schedule of the constitution and in terms of article 33 (d) of the constitution. The placing of the seal of the Signature of the President may be done by the Secretary to the President or any other officer authorized by the President or in the presence of any one of them.

Signing an instrument of disposition.

(3) Every instrument of disposition shall be in the prescribed form. It shall contain conditions which are relevant to the instrument of disposition. The prescribed form and cinditions shall be prescribed by regulations.

Instruement of disposition to be in prescribed form and shall contain conditions.

(4) Every instrument of disposition issued by the president shall be registered in the Land Registry of the area in which the land is situated, after the disposition of the land has been done.

Registration of instrument of disposition.

24. The Minister shall make regulations which govern the provisions and procedure relating to the manner in which the Provincial Council should give its advice to the President with regard to the disposition of a land to a permit holder.

Making of regulation relevant to the disposition.

CHAPTER IV

SUCCESSION

25. A person who has been selected as an alienee of a land shall not be entitled to the possession of such land or to receive a permit in respect of such land, unless he has nominated a successor or successors to such land upon his death.

Successor to be nominated.

26. (1) The successor nominated under Section 25, shall be—

Nomination of a successor.

(a) The mother or father of the alienee, if the alienee is un married or where both parents of the alienee are not living, one of his brothers or sisters.

(b) The spouse or one of the children of the alienee, where the alienee is a married person.

(2) Where there is no person to be nominated as a successor under the provisions of sub-section (1) above, the alienee is entitled, to nominate his closet relative as the successor to such land.

(3) If the successor died or withdraws his succession or if the permit-holder cancels the succession, then the permit-holder shall nominate another successor within 6 months of such date in accordance with the provisions of this statute.

The particulars of the succession that should be included in the permit

27. The Competent Authority shall enter and certify in the permit, the details such as the full name of the successor who shall succeed to the land after the death of an alienee, the number of a legal document which confirms the identify of the successor, sex, age and relationship of the successor to the alience, whether the succession is applicable to the whole land or a part of a land, to which part it is applicable.

Succession may be amended

28. A nomination of a successor may at any time be amended while the permit is still in force, without prejudice to the provisions of Section 26. However it is the duty of the Competent Authority to ensure that the nomination of a new successor will not prejudice the rights of a person who has already developed the land and is in possession of such land.

29. The nomination as a successor, shall for all purposes, become void -

- (1) where the successor has nominated in a permit and the successor died and the permit holder is living ; or
- (2) if the permit-holder withdraws the nomination of any person as a successor ; or
- (3) if the successor himself withdraws his succession ; or
- (4) if the successor died, before 6 months of the death of the permit-holder, and if no fresh permit is issued during that period ; or
- (5) on the marriage of an unmarried permit-holder who made the nomination ; or
- (6) when the President issues an instrument of disposition to the alience.

A fresh permit to be issued for the successor

30. If the successor obtains the vacant possession of the land within 6 months of the death of the permit-holder, such permit-holder is entitled to receive a fresh permit in respect of such land. Thereafter, all provisions of this statute relating to a permit-holder will be applicable to such person too.

CHAPTER V

CANCELLATION OF PERMIT

Where there is a failure of succession, such land to be vested in the State

31. (1) If there is no nomination after 6 months of the circumstances specified in Sub-sections (1), (2), (3) and (5) of Section 29 or in the circumstances referred to in Section 29 (4) or because there is no person lawfully entitled to succeed or because there is no person so entitled but willing to succeed, such land shall be deemed to have been vested in the State.

(2) The Competent Authority shall take possession of such land on behalf of the Provincial Council.

(3) The Provincial Council reserve the right to issue or not to issue a permit to any one else in respect of such land.

Notice to permit-holder where there has been a breach of the conditions of the permit

32. If it appears to the Competent Authority that a permit-holder or an organization has failed to observe a condition of the permit, the Competent Authority may issue a notice in the prescribed form intimating to the permit-holder or organization to show sufficient cause as to why the permit should not be cancelled and the date, time and place of such inquiry shall be specified in such notice.

Period allowed for showing cause

33. The inquiry date, specified in a notice issued under Section 32, above shall not be less than 30 days from the date of issue such notice.

Serving of the notice and displaying it

34. (1) a copy of every notice issued under Section 32 shall be served on the permit-holder by registered post or by hand and a copy shall also be affixed on conspicuous place of the land affected by such notice. A copy of such notice shall also be served on any person who is interested in the land or affected by a cancellation of the permit.

(2) If a permit -holder, who has to be served a notice under Section 32 cannot be found, the notice shall be deemed to be duly served on that permit-holder, if a copy thereof is left with a member of his family or with any one residing with him. If there is no person living with member of his family or any person living with him on whom the notice can be so served, the notice shall be deemed to be duly served on that permit-holder, if a copy thereof is affixed to some conspicuous part of the house or homestead in which he ordinarily resides.

(3) Where a notice issued under Section 32 is served on the permit-holder personally, the officer to whom services thereof has been entrusted shall furnish a declaration duly signed by him to the Competent Authority that such notice has been served on the permit-holder.

35. (1) If the permit-holder fails to appear as required by the notice issued under section 32 or appears and states that he has no cause to show why his permit should not be cancelled, the Competent Authority may, if he is satisfied that there has been due service of such notice and that there has been a breach of any of the conditions of the permit make order cancelling the order. But such order shall be made only after the expiry of a period of twenty-eight days reckoned from the date of issue of the notice. The decision taken by the Competent Authority under that section is final and conclusive. Such order shall be in the prescribed form.

Cancelling of permit, if permit-holder fail to appear

(2) If with a period of 14 days reckoned from the prescribed date, the permit-holder satisfies the Competent Authority that he has cause to show why his permit shall not be cancelled and that he was prevented by unavoidable cause from appearing on the inquiry date, the Competent Authority may appoint another date for the inquiry.

36. (1) If under Section 32 or Section 35 (2) or on the prescribed date, the permit-holder appears and offers to show cause why his permit should not be cancelled, the Competent Authority may, if he is satisfied after inquiry, that there has been breach if any of the conditions, make order cancelling the permit, such order shall be in the prescribed form.

Procedure where permit-holder appears and shows cause

(2) The competent authority may adjourn an inquiry fixed under the aforesaid section and shall inform the permit-holder about the date, time and place of the inquiry.

(3) The Competent Authority shall hear evidence before making his order. Such evidence shall be taken on oath or affirmation, the Competent Authority is hereby authorized to administer oath or affirmation.

37. The date of cancellation of the order shall be stated in such order.

Date of order of cancellation

38. (1) A copy of an order made by a Competent Authority under Section 36 shall be served forth with on the permit-holder and a copy of such order shall also be affixed forthwith in a conspicuous position on the land and another copy shall be sent by registered post to the last known address of the permit-holder. Every copy so served or affixed shall contain a statement to the effect that an appeal from such order will lie to the Land Commissioner, if preferred within 30 days.

Order of the Competent Authority to be served on Permit-holder and to be posted on land

(2) The provisions of Section 34 shall apply to the serving of notice under Section 36 in the same manner as those provisions apply to the serving of notice under Section 32.

Time limit for
appeal

39. An appeal under Section 38 shall be preferred by written petition within period of days. When reckoning the period the date of order shall not be taken in to consideration.

The powers of Land
Commissioner

40. The Land Commissioner may, in the presence of the applicant or his representative, in the appeal -

- (a) direct further inquiry to be made or information to be furnished or evidence to be given ; or
- (b) allow the approval and set aside the order ; or
- (c) modify the order ;
- (d) affirm the order ; or
- (e) make such other order which is just and equitable.

Decision of the
Provincial Land
Commissioner to be
informed

41. (1) The decision of the Provincial Land Commissioner made under section 40 shall forthwith be informed to the Competent Authority.

Right of party to
represent matters
by himself or by a
representative

42. The permit-holder or his representative may represent matters at any inquiry under this chapter.

CHAPTER VI

OFFENCES AND PENALTIES IN RESPECT OF LANDS

Unlawful acts
in respect
of lands

43. (1) If any person, without a valid permit or any legal document issued in respect of a land owned by the Provincial Council under Paragraph 1:2 or 1:3 of appendix II of the 13th amendment to the constitution or owned by the Provincial Council by any other means or in respect of a State land within the Province : -

- (a) clear such land ;
- (b) erect a fence on such land ;
- (c) breakup ground of such land ;
- (d) excavates such land;
- (e) cultivates such land ;
- (f) erects any building or part thereof ;
- (g) resides in such land ;
- (h) sets fire to such land ;
- (i) does any act which in harmful to such land or to its maintenance ;

he shall be guilty of an offence and shall on conviction by a Magistrate be liable to rigorous imprisonment for a period of not less than one year or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

(2) In addition to any punishment meted out to any person for any act committed under Sub-Section (1), such person shall be disqualified to get a State land, and he shall be black listed.

44. (1) Except for the offences referred to in sub-sections (f) and (g) of section 43(1), the Competent Authority shall have power to settle any offences in the manner provided for in this statute, without resorting to court procedures in respect of such offence.

(2) In setting an offence referred to in Sub-section (b) above, the Competent Authority shall order unauthorized occupant to pay the minimum fine that can be imposed by regulation or where a damage has been caused to the land, an amount equivalent to twice the valuation of such damage is more than ten thousand rupees such offences shall be referred to Court in accordance with Sub-section (4) above.

(3) If the fine imposed under Sub-section (2) above is paid, he shall be free to remove the utensils and goods used in the commission of the unauthorized act. However, the unauthorized person shall not be allowed to remove any property in such unauthorized land which belongs to the Provincial Council.

(4) Where an unauthorized act cannot be settled in accordance with the provisions of this section or when the valuation of the damage exceeds ten thousand rupees, the Competent Authority shall refer such offence to the Magistrate's Court of the area in which the land is situated.

45. (1) Where the Competent Authority is of the opinion that –

- (a) any land is a state land or a land owned by the Provincial Council, and
- (b) any person is in unauthorized possession or occupation of such land,

obligation to
comply with a
quit notice.

the Competent Authority any serve a notice on such person, requiring such person to vacate such land with his dependable and deliver vacant possession of such land to the Competent Authority.

(2) Every such notice shall be in form 'A' set out in the schedule to this act.

(3) "Serving" notice means handing over of the notice or sending it through registered post or fixing it on a conspicuous place of the land.

(4) The date is to be specified in such notice shall be a date not less than thirty days from the date of issue of such notice and the date of issue shall not be counted for such purpose.

46. Where a quit notice has been served or exhibited under section 45, the unauthorized person is bound to act in compliance with such notice.

47. Where any person fails to comply with the provisions of section 46 in respect of any quit notice, the Competent Authority may make an application to the relevant Magistrate's Court setting out the following matters : –

- (a) that he is a competent Authority ;
- (b) that, in his opinion, the land described in the
- (c) schedule is a state land or land of the Provincial Council ;
- (d) even though a quit notice was served, the unauthorized person has failed to comply with such notice.

The Competent Authority may make an application to the court praying for an order of ejectment of such person and such application shall be approved by an affidavit in the Form 'C' set out in the schedule verifying the aforesaid matters and shall be accompanied by a copy of the quit notice.

48. Upon the receipt of an application under section 47, the Magistrate shall forthwith issue summons on the applicant to appear and show cause on the prescribed day why such person should not be ejected from the land.

Summons to
be issued.

49. If the person on whom such summons was issued under section 48 fails to appear or inform the court that he has no cause to show against the ejectment the court shall issue an ejectment order on such person.

Order for
ejectment.

50. (1) If a person or whom someone has been served under section 48 states that he has cause to show against his ejectment and after due inquiry. If the court is satisfied that such person is not entitled to the possession or occupation of the land. The court shall make order directing such person to be ejected from such land.

Issue of ejectment
order whom
cause is shown.

(2) No appeal shall lie against any order of ejectment made by a magistrate under subsection (1).

Scope of inquiry.

51. At an inquiry being held by a Magistrate under Section 50, the permit holder or any person claiming under him shall not be entitled to contest that-

(a) the relevant land is a state land or a land belonging to the Provincial Council.

(b) Where the permit has been cancelled, such cancellation should not have been done.

Execution of order of
ejectment.

52. Where any person fails to comply with an order made under section 49 and 50, the magistrate shall on the application of a competent authority direct the fiscal to eject the person bound by the order and to deliver possession of such land to the competent authority.

Execution of court
order by
the fiscal.

53. In compliance with order of the court, the fiscal shall deliver vacant position of the land to the Competent Authority or to a person named by the Competent Authority and if necessary, the fiscal may get the assistance of a police officer for such purpose. After the execution of the court order, it is the duty of the fiscal to make a due return of such execution.

A fine may be
imposed.

54. The magistrate is empowered to impose a fine of not less than One Thousand Rupees and not more than Ten Thousand Rupees taking in to consideration the nature of the offence in encroaching a land and the extent of the land.

55. Where a damage is caused by some person to a land, and where it appears to the Provincial Land Commissioner that the damage or the increase in damage is caused due to the carelessness or negligence or failure to duty of any public servant or a Provincial Council employee who is entrusted with the duty of preventing the damage, it shall be lawful to recover from the salary of such employee a part of the damages as may be determined out of the total damage caused to the land. The Minister may make regulations in this regard.

CHAPTER VII

ESTABLISHMENT OF THE DEPARTMENT AND APPOINTMENT OF OFFICERS

Establishment to
Provincial Land
Commissioner's
Department.

56. There shall be established a Provincial Land Commissioner's Department (hereinafter referred to as the 'Department') for the implementation of this statute.

Appointment of
Provincial
Land Commissioner.

57. (1) There may be appointed a Land Commissioner who shall be responsible for the due performance of duties and functions assigned to him under this state and general supervision and control of Competent Authorities and Land Officers in the administration of state lands and in the exercise and discharge of the powers and duties conferred and imposed upon them by this statute.

(2) In the exercise of his powers and in the discharge of his duties under this statute, the Provincial Land Commissioner shall be subject to the general direction and control of the Minister.

58. (1) The Provincial Land Commissioner may from time to time give general or special directions to the competent authority or to a land officer as to the performance of his duties relating to a land administration. The provincial Land Commissioner may direct or authorize any question of doubt or difficulty in connection with such duties to be referred to him for determination.

(2) Any direction or decision of the provincial Land Commissioner shall be observed and given effect to by Competent Authority or by the Land Officer as the case may be.

Deputy and Assis-
tant Provincial Land
Commissioners may
be appointed

59. (1) There may be appointed Deputy Provincial Land Commissioners and Assistant Provincial Land Commissioners as may from time to time be required for the purpose of this statute.

(2) The Deputy Provincial Land Commissioner may perform execute and exercise all or any of the functions, duties and powers assigned to the Provincial Land Commissioner under this statute or any other regulation.

(3) The Provincial Land Commissioner may give general or special directions to any Assistant Provincial Land Commissioner to exercise. Perform and discharge Powers, duties and functions assigned to the Provincial Land Commissioner under this statute or any other regulation.

60. (1) There may be appointed one or several land Officers/Colonization Officers for the province or for any district of the province or for Divisional Secretary's division.

Appointment of Land Officers and Colonization Officers.

(2) Every Land Officers may perform, discharge and exercise in any province or District or in the Divisional Secretary's Division for which he shall have been appointed, all or any of the functions, duties and powers assigned to or vested in the Competent Authority in the manner and to the extent required by the Provincial land commissioner.

(3) All officers Appointed for the purpose of this statute shall be deemed to be Public Servants within meaning of the penal code and Bribery and Corruption Investigation Commission Act.

CHAPTER VIII

ESTABLISHMENT OF PROVINCIAL LAND ADVISORY COUNCIL

ITS POWERS AND FUNCTIONS

61. (1) There shall be established a Provincial Land Advisory Council, by the Uva Provincial Council and such advisory Council shall be responsible for the formulation of Provincial policy on the use of state lands and provincial Council's lands situated within the province. The Provincial land Policy will be formulated under subsection 3.3.4 of appendix II of list I of 9th schedule of the constitution.

Establishment of provincial Land Advisory Council.

(2) This Advisory Council shall consist of officers representing the following fields : -

- (a) Land use planning
- (b) Agriculture
- (c) Irrigation
- (d) Local Government
- (e) Surveying
- (f) Forest Conservation
- (g) Wild Life Conservation
- (h) Agrarian Services
- (i) Archaeology
- (j) Environment Protection
- (k) Physical Planning
- (l) Urban Development
- (m) An officer from the Department of the Provincial Land Commissioner

In addition, there should be appointed to the council 4 persons who are having specialist knowledge in the following fields and who are not public servants.

- (a) Natural Resources Management
- (b) Social Science
- (c) Economic
- (d) Field of Law

(3) The Provincial Minister of Land shall be the Chairman of this Advisory Council. The Provincial Land Commissioner shall be the Secretary. In addition the Secretary of the Provincial Land Ministry and District Secretaries shall be ex-office members of this council.

Powers and functions of the Provincial Land Advisory Council.

62. (1) The powers and functions of the Provincial Land Advisory Council shall be as follows : -

- (a) the determination of Provincial policy on land use and publication of such determination ;
- (b) Classification of persons and groups to whom state land and lands of the Provincial Council shall be alienated.
- (c) Determination of boundaries of land unit which should be alienated to various groups ;
- (d) Determination of criteria for selection of alienees ;
- (e) Determination of conditions that should be included in the permits and lease agreements ;
- (f) Investigation and marking recommendations of matters that are referred to the council by the Minister ;
- (g) Taking necessary action with regard to matters that are referred to the Council by the National Land Commission in accordance with National Policy.
- (h) When formulating a national policy, to represent matters to the National Land Commission on behalf of the Province.

(2) (a) The Advisory Council shall have power to require any officer of the Provincial Council or any institution to produce data, reports, maps and documents which are required by the council to perform functions assigned to it and any information, recommendation or observation deemed to be required by the National Land Commission.

(b) The Council may receive such information, proposals or opinions from members of the public, as may be required by the council to perform its functions.

(3) Except the Chairman, Secretary and ex-officio members of the Council, other members of the Council shall be appointed by the Governor on the recommendation of the Ministers.

(4) The terms of office of councils members shall not exceed three yeas and they will be entitled to be reappointed, any member of the Advisory Council may be removed from office by the Governor for reasons assigned for such removal.

CHAPTER IX

REVENUE FROM LANDS

Rates, taxes and revenue may be recovered.

63. (1) Without prejudice to the objects and functions of this statue, the Provincial Council is empowered to recover rates, taxes and revenue at prescribed rates from state land and lands of the Provincial Council situated within the Province.

(2) The provincial Council is empowered to charge prescribed fees for disposal of lands of the Provincial Council or state land situated within the province by a permit or as a lease.

(3) Fees may be charged depending on each matter and each group and the Minister may make regulations in that regard.

(4) The valuation of revenue, collection of revenue and auditing shall be the responsibility of the Provincial Land Commissioner.

Payment of monies due to the Provincial Council.

64. Any annual or the payment of money due to the Provincial Council by a permit holder in respect of any land alienated under this state shall be credited to the Provincial Council fund.

65. All taxes, rates, fees, fines, interests, installments and other land revenue shall be a Provincial Council revenue and shall be credited to the Provincial Council revenue and shall be credited to the Provincial Council fund.

All land revenue to be credited to the Provincial Council fund.

66. A permit holder shall be liable to respect of any payments which may be over due or in arrears, to make additional payments to the State according to such scale and in such manner as may be prescribed.

Penalties for payments overdue or in arrears.

67. If a permit holder makes a default in the due payment of any moneys payable by him in respect of the land alienated to that permit-holder on the permit, the competent authority or any person authorized by him may seize the possession of land.

When there is a default of payment, possession of the land may be seized.

68 (1) A seizure of a land referred to in section 66 shall be effected by serving upon the permit holder to whom that land was alienated a notice substantially in the prescribed form and by affixing a copy of such notice may also be served on any other person interested in the land or affected by the seizure of the land.

Seizure, how effected.

(2) If a permit-holder who has to be served with a notice under Section (1) cannot, after the exercise of due diligence, be found, the notice shall be deemed to be duly served on that permit holder, if a copy thereof is left with some adult member of his family or with his servant residing with him ; and if there is no member of the family or servant of that permit-holder on whom the notice can be served by way of substitution for personal service, the notice shall be deemed to be duly served on that permit-holder if a copy thereof is affixed to some conspicuous part of the house to homestead in which he ordinarily resides.

(3) No land shall be seized if the defaulting permit holder to whom that land was alienated surrenders a free and unclaimed movable property belonging to him to satisfy the entirety of the amount due for him.

69. (1) The seizure of a land operates as a cancellation of the permit under which such land was alienated. The permit holder to whom such land was alienated shall have no claim whatsoever to such land.

Seizure of land operates as cancellation of permit.

(2) The right referred to in subsection (1) may be given effect to upon and endorsement substantially in the prescribed form made by the Competent Authority on the permit relating to such land.

CHAPTER X

MISCELLANEOUS

70. Where it appears that the failure or negligence of any officer to perform duties and functions assigned to him under this statute has been caused malafide and if any injustice is caused to any person by such act, then action can be instituted against such officer or officers. The court is empowered to remove the injustice and grant relief or to pay compensation or to grant both relief and compensation.

71. (1) It shall be the duty of the Provincial Land Commissioner to update and maintain a Land information system within the province. Such information shall be prepared at Divisional, District or Provincial level. State land within the province, which are being utilized by the Government and lands used by the Provincial Council shall be essentially included in such Land information System.

Land Information System.

(2) It is duty of the Provincial Land Commissioner to identify the true land requirements for various purposes within the province and to maintain and update register in respect of such requirements.

72. The Competent Authority or any person duly authorized by him in writing may at any time of the day between 6 a.m. to 6 p.m. enter any land alienated on a permit for the purpose of inspection or for any other purpose, incidental to or connected with the duties of a competent authority under this statute.

Competent Authority to enter any land alienated on a permit at any time.

Encroachment on
land alienated on a
permit.

73. If any person encroaches on any land which has been alienated under this statute on a permit, the Competent Authority is entitled to institute legal action to eject such person from such land. Such legal proceedings may be instituted as provided for in for in Chapter VI of this Statute and such land may be deemed to be a State land or a land of the Provincial Council, even if it is an alienated land.

Protection of
officers.

74. No suit shall lie against any officer for anything done by him in good faith under this statute.

Savings.

75. Notwithstanding the fact that this Statute is consistent with Land Development Ordinance, where any person holds a permit or holding or grant under that ordinance, where any person holds a permit or holding or grant under that ordinance, such person shall be deemed to be in possession of such land which has been alienated and he shall be deemed to be the holder of such permit or holding or grant under such Ordinance.

Sinhala text to
prevail in case on
inconsistency

76. In the event of any inconsistency between the Sinhala, English and Tamil texts of this Statute, the Sinhala text prevail.

CHAPTER XI

REGULATIONS

77. (1) The Minister make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Statute. such regulations shall be approved by the provincial council shall upon the publication of the approved in the Gazette, be as valid as if it were herein enacted.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) regulations may be made for, and with respect to all or any of the following matters : -

- (a) procedure to be adopted when the Provincial Council is requesting state lands ;
- (b) Maintenance of document relating land information system within the Province ;
- (c) to provide for the procedure of mapping out of lands ;
- (d) the manner which the state lands granted to the Provincial Council be utilized for Provincial Council purposes.
- (e) the manner of selection of land alienation ;
- (f) specification of special occasions in which lands should be alienated for the benefit of the lands, deviating from the normal procedure ;
- (g) the manner in which technical advice should be obtained in deciding the conditions applicable to land development.
- (h) the manner in which the Provincial Council shall advice the Government for the disposition of a land ;
- (i) the manner of deciding the capacity of an alience to develop a land.
- (j) Classification of persons and organizations for the purpose of alienating state lands and laying down of procedure for land Kachcheries ;
- (k) the manner in which a successor is to be nominated for a land ;
- (l) the provisions for maintenance and updating of land requirement register ;
- (m) any matter stated in or required by this statue to be prescribed.

CHAPTER XI

INTERPRETATION

“Board of Ministers” means the Board of Minister of the Uva Provincial Council.

“The Minister ” means the Minister in charge of the subject of lands in the Uva Provincial.

“Permit” means a permit issued under this statute ;

“Permit Holder ” means a person or organization to whom permit issued under this Statute.

“Land” includes –

- (a) any interest in land ;
- (b) the bed of any lake or stream ;
- (c) things attached to the earth or permanently fastened to anything attached to the earth ;
- (d) any interest in crops growing or to be grown on land.

“Alienation” means alienation under this statute ;

“Land Kachcheri” means an interview held for the purpose of selecting alienees under this Statute by the Provincial Land Commissioner or by a Divisional Secretary.

“Holding” means a block of land or a part there of alienated under this statute ;

“Land Officer” means an officer appointed under section 60 of this statute ;

“Alienee” means a person or organization selected for alienation of a land under this Statute.

“Mapping out of land” means assigning of land within the province for one or more matters specified separately in chapter II of this statute ;

“Prescribed” means prescribed by this statute or by regulations made there under

“Dispositions” shall have the same meaning given to it in the constitution.

“Competent Authority” means an officer of Sri Lanka Administrative Service or Divisional Secretary or Deputy Provincial Land Commissioner or a Land Officer appointed by the Governor, for the exercising of powers assigned under this Statute within any Divisional Secretary’s Division. His designation shall be “Competent Authority for Provincial Land Commissioner”

“Provincial Council Lands” means lands granted or deemed to have been granted in terms of the provisions of the Constitution and land vested with the Provincial Council.

“Provincial Council Subject” has the same meaning to it in the constitution.

“Provincial Land Commissioner” means the officer appointed by this Statute and includes a Deputy Land Commissioner Assistant Land Commissioner and any other Land Officer of the Provincial Land Commissioner’s Department authorized in writing by such Provincial Land Commissioner with regard to any special purpose or function.

“Transfer” shall have the same meaning given to it the Constitution.

“Disposition” means alienation of a land to a person or Organization for the purpose of this Statute.

“State Lands” means land to which the State is law fully entitled or which may be disposed of by the state. The following lands which have not been declared as State Lands shall be deemed to by State Lands.

- (a) Lands for which continuous possession cannot be shown for period of not less than 33 1/3 years or lands for lands which there is no claimant or land which have not been settled shall be deemed to the State Land.
- (b) All public rivers, river source, bed of rivers, water Springs, canals, water courses, streams and their reservations.
- (c) The area of land between high tide and low tide shall be deemed to be foreshore and it shall be treated as state land.
- (d) All high ways, railway lines, public roads, cart roads, foot paths, public lakes, irrigation canals and all public streams and their reservations belonging to the statue or the Provincial Council shall be deemed to be state lands.

“Regulations” means made by the Minister under this Statue.

“Concurrent” and “reserved” shall have the same meaning as given to them in the Constitution.

“Acts by Provincial Council” In this Statue that the Provincial Council has to perform any act or where the consent of the Provincial Council is required, it means any duty or function of the Provincial Land Commissioner on the decision of the Board of Ministers on Proposal made by the Minister.

SCHEDULE

FORM “A”

QUIT NOTICE

I, (state name and designation if any) a competent authority for the purposes of Land Development Ordinance of Uva Provincial Council being of the opinion that you (state name) are in Unauthorized possession */ occupation of land described in Schedule hereto, do by virtue of the powers vested in me by section 45 of that Statute require you (state name).

- (a) to vacate such land together with your dependants, if any ; and
- (b) to deliver vacant possession of such land to me */a competent authority for the purpose of that Act or (state name and description, if any, of the authorized person) on or before (state date)

.....
Signature and Designation if any,
of the Competent Authority.

Schedule above referred to :

(here described land stating the situation in including the name of the district)

.....
Signature and Designation if any,
of the Competent Authority.

Date :

* Omit if inapplicable.

FORM "B"

APPLICATION FOR EJECTMENT

To the Magistrate's Court of

(State name of such Court)

I, (state name and designation if any) a competent authority for the purposes of Land Development State, do by virtue of powers vested in me by Section 47 of the Statute, by this application -

(a) Set forth the following matters namely

- (i) that I am such Competent Authority ;
- (ii) that the land described in the Schedule to this applications, is, in my opinion, a state land ;
- (iii) that a quit notice (a copy of which is attached to this application) was serve on (State name and address) exhibited in or upon the said land ;
- (iv) that the said (state name) is in Unauthorized possession */ occupation of the said land and has failed to comply with the provisions of section 46 of the Statute.

(b) pray for the recovery of possession of the said land and the ejectment of the said (state name) and his dependments, if any, from the said land.

.....
Signature and Designation
if any, of the Comptent Authority.

Schedule above referred to

(here desebed land stating the situation including the name of the district)

Date :

* Omit if in applicable.

FORM "C"

Affidavit

I, (state name and designation if any) do as required by Section 47 of the Statute, hereby solemnly sincerely and truly declare and affirm / make oath and say,

- (i) that I am a Competent Authority for the purposes of that Statute ;
- (ii) that the land described in the Schedule to the application for ejectment is, in my opinion, a state land ;

(iii) that a quite notice (a copy of which is attached to this application) was served on
.....

(State name and address) exhibited in or upon the said land ;

(iv) that the said (state name) is in Unauthorized possession * /
occupation of the said land and has failed to comply with the provisions of Section 46 of the Statute.

.....
Signature and Designation
if any, of the deponent.

.....
If any person administering.

Affirmed * / Sworn before me by the
Deponent on this
Day of affirmation or oath.

Date :

* Omit if in applicable

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