

CHAPTER 261

AGRARIAN SERVICES

Act No. 58 of 1979.

AN ACT TO PROVIDE SECURITY OF TENURE TO TENANT CULTIVATORS OF PADDY LANDS; TO SPECIFY THE RENT PAYABLE BY TENANT CULTIVATORS TO LANDLORDS; TO PROVIDE FOR MAXIMUM PRODUCTIVITY OF PADDY AND OTHER AGRICULTURAL LANDS THROUGH THE PROPER USE AND MANAGEMENT OF AGRICULTURAL CROPS AND LIVESTOCK; TO PROVIDE FOR THE ESTABLISHMENT OF AGRARIAN SERVICES COMMITTEES; TO PROVIDE FOR THE DETERMINATION OF TENURIAL AND OTHER DISPUTES RELATING TO AGRICULTURAL LAND BY THE COMMISSIONER OF AGRARIAN SERVICES; TO CONFER AND IMPOSE CERTAIN POWERS AND DUTIES ON THE COMMISSIONER; TO PROVIDE FOR THE APPOINTMENT OF CULTIVATION OFFICERS; TO PROVIDE FOR THE REPEAL OF THE AGRICULTURAL PRODUCTIVITY LAW, NO. 2 OF 1972, AND THE AGRICULTURAL LANDS LAW, NO. 42 OF 1973 ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[25 th September, 1979.]

Short title.

1. This Act may be cited as the Agrarian Services Act. following particulars to the Commissioner :—

- (a) the name of the landlord ;
- (b) the name of the tenant cultivator;
- (c) the extent of paddy land cultivated by the tenant cultivator; and
- (d) such other particulars as may be prescribed.

PART I

TENANT CULTIVATORS OF PADDY LANDS

Circumstances in which tenant of paddy land is regarded as its tenant cultivator.

2. (1) Where any person is the cultivator of any extent of paddy land let to him under any oral or written agreement then, if he is a citizen of Sri Lanka, he shall, subject to the provisions of this Act, be the tenant cultivator of that extent.

(2) Where two or more persons are the cultivators either jointly or in rotation of any extent of paddy land let to them under any oral or written agreement then, subject to the provisions of this Act, each such person shall, if he is a citizen of Sri Lanka, be a tenant cultivator of that extent for the season or seasons in which he is a cultivator of that extent.

Landlord to furnish particulars.

3. (1) Every landlord of an extent of paddy land in respect of which there is a tenant cultivator shall, in the prescribed manner within six months of the date of commencement of this Act, furnish the

(2) For the purpose of furnishing the particulars referred to in subsection (1) the landlord shall refer to the Register of Agricultural Lands for the time being in force.

(3) Where a change occurs in any of the particulars referred to subsection (1) such change shall be notified to the Commissioner by the landlord within six weeks of the occurrence of such change.

(4) Any landlord who fails to comply with the requirements of subsection (1) or subsection (2) shall be guilty of an offence under this Act.

4. (1) The maximum extent of paddy land that could be cultivated by a tenant cultivator shall be five acres.

Order determining the maximum extent of paddy land.

(2) The Minister may subject to the provisions of subsection (1) by Order published in the Gazette determine the extent of paddy land that may be cultivated by a tenant cultivator in any district to which such Order relates :

Provided, however, that where the Commissioner is satisfied after due inquiry that a tenant cultivator is also an owner cultivator of any paddy land of not less than five acres in extent, the Commissioner may declare that such tenant cultivator shall not be entitled to his rights as a tenant cultivator under the provisions of this Act, and accordingly the provisions of subsections (3), (4), (5) and (6) of this section shall apply to such tenant cultivator.

(3) The tenant cultivator shall, if he is in occupation of an extent of paddy land in excess of the extent specified in an Order under subsection (2), subject to the approval of the Commissioner, be entitled to select the extent of paddy land which he is entitled to cultivate, and shall vacate the balance extent on being ordered to do so by the Commissioner.

(4) Where a tenant cultivator fails to comply with the provisions of subsection (3) he shall be evicted from the extent of paddy land in excess of the extent specified in the Order under subsection (2) and the provisions of section 6 shall apply to any such eviction.

(5) On vacation of such extent by the tenant cultivator, the landlord shall, with the approval of the Commissioner—

- (a) be entitled to cultivate such extent on such conditions as may be prescribed; or
- (b) appoint one or more tenant cultivators for such extent within such period as may be prescribed.

(6) On failure of the landlord to take action under the provisions of paragraph (a) or paragraph (b) of subsection (5) within the prescribed period, the Commissioner shall be entitled to appoint a suitable person to cultivate that extent of paddy land.

5. (1) A tenant cultivator of any extent of paddy land shall have the right to occupy and use such extent in accordance with the provisions of this Act and shall not be evicted from such extent notwithstanding anything to the contrary in any oral or written agreement by which such extent has been let to such tenant cultivator, and no person shall interfere in the occupation and use of such extent by the tenant cultivator and the landlord shall not demand or receive from the tenant cultivator any rent in excess of the rent required by this Act to be paid in respect of such extent to the landlord.

Rights of tenant cultivators; provision in regard to certain evicted tenants of paddy lands; and restriction of eviction of tenants of paddy lands.

(2) Notwithstanding anything in any other law, the tenant cultivator of any extent of paddy land which is purchased by any person under the Partition Law; or which is allocated to a co-owner under a decree for partition shall be deemed to be the tenant cultivator of that extent of paddy land of such purchaser or such co-owner, as the case may be, and the provisions of this Act shall apply accordingly.

(3) Where a tenant cultivator of any extent of paddy land notifies the Commissioner that he has been evicted from such extent, such Commissioner may hold an inquiry for the purpose of deciding the question whether or not such person had been evicted.

(4) The notification referred to in subsection (3) shall be made within one year from the date of such eviction :

Provided, however, that where such tenant cultivator has been evicted at any time within two years prior to the date of commencement of this Act such notification shall be made within two years of the date of commencement of the Act.

(5) If at such inquiry it is proved to the satisfaction of the Commissioner that the tenant cultivator had been evicted, it shall be presumed, unless the contrary is proved, that such eviction had been made by or at the instance of the landlord.

(6) The landlord of the extent of paddy land and the person evicted shall be given an opportunity of being heard in person or through a representative at the inquiry. The

decision of the Commissioner after such inquiry shall be communicated in writing to the landlord and the person evicted. If the landlord or the person evicted is aggrieved by a decision of the Commissioner, he may, within thirty days of the communication of the decision to him, by petition in writing in which the other person shall be mentioned as respondent, appeal to the Court of Appeal against that decision on a question of law. Where no appeal is made from a decision of the Commissioner within the time allowed therefor, such decision shall be final and conclusive and shall not be called in question in any court or tribunal.

(7) Where, at any inquiry referred to in subsection (3), the Commissioner decides—

(a) that eviction has been established and no appeal is made from such decision within the time allowed therefor, or the Court of Appeal has, on any such appeal, confirmed the decision of the Commissioner that eviction has been established; or

(b) that eviction has not been established and the Court of Appeal has on appeal varied the decision of the Commissioner and held that eviction has been established, then—

(i) the person evicted shall be entitled to have the use and occupation of the extent of paddy land restored to him; and

(ii) the Commissioner shall in writing order that every person in occupation of the extent of paddy land shall vacate it on or before such date as shall be specified in that order, and if such person fails to comply with such order, he shall be evicted from such extent in accordance with the provisions of section 6, and the landlord of such extent shall, for each day during which a person in

respect of whom an order under this paragraph has been made continues to occupy such extent after the date specified in that order, pay to the person mentioned in subparagraph (i) damages at such rate as may be prescribed unless such landlord satisfies the Commissioner that such person was evicted without the knowledge, consent or connivance of such landlord.

(8) Where the landlord of the extent of paddy land fails or refuses to pay, within fourteen days after demand, any sum which he is required to pay as damages under subsection (7), such sum may, on application made by the person evicted to the Magistrate's Court having jurisdiction over the place where such extent is situate, be recovered in like manner as a fine imposed by such court notwithstanding that such sum may exceed the amount of the fine which that court may in the exercise of its ordinary jurisdiction impose.

(9) Where a person (hereafter in this subsection referred to as the "lessor") lets any extent of paddy land to any other person (hereafter in this subsection referred to as the "lessee") and the lessee does not become the tenant cultivator of such extent by reason of the fact that he is not the cultivator thereof, then, if the lessee lets such extent to any person (hereafter in this subsection referred to as the "subtenant") and the subtenant becomes the tenant cultivator of such extent by reason of his being the cultivator thereof, the subtenant's right as the tenant cultivator of such extent shall not be affected in any manner by the termination of the lease granted by the lessor to the lessee:

Provided, however, that the lessee shall not let such extent to a subtenant unless he—

(a) obtains the consent in writing of the owner of such extent; and

(b) thereafter notifies the Agrarian Services Committee within whose area of authority such extent wholly or mainly lies:

Provided, further, that where any extent of paddy land is let by a lessee to a subtenant without obtaining the consent in writing of the owner of such extent, the owner shall be entitled to cultivate such extent in accordance with the provisions of subsection (5) of section 4.

(10) The rights of a tenant cultivator of any extent of paddy land shall not be affected in any manner by the sale (whether voluntary or in execution of the decree of a court), the transfer by gift, testamentary disposition or by assignment, or by devolution under the law of inheritance of the right, title and interest of the landlord of such extent.

(11) The rights of a tenant cultivator to occupy and use any extent of paddy land shall not be sequestered, seized or sold in execution of the decree or process of any court.

(12) If any person directly or indirectly makes use of, or threatens to make use of, force, violence, or restraint or inflicts, or threatens to inflict, any harm, damage or loss upon or against a tenant cultivator of any extent of paddy land in order to induce, compel, or prevail upon, that tenant cultivator to refrain from exercising any right or privilege conferred upon him by or under this Act, such person shall be deemed to interfere in the occupation and use of such extent by that tenant cultivator.

(13) If any person contravenes the provisions of this section he shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

Procedure in
eviction.

6. (1) Where any person who has been ordered under this Act by the Commissioner to vacate any extent of agricultural land fails to comply with such order, the Commissioner or any person authorized in that behalf by the Commissioner may present to the Magistrate's Court within whose local jurisdiction such extent wholly or mainly lies a written report—

(a) setting out the nature of such order and the person to whom it was

issued, describing the extent of land to which such order relates ;

(b) stating that the person who has been ordered to vacate has failed to so vacate such extent; and

(c) praying for an order to evict such person and all other persons in occupation of such extent from such extent, and mentioning the person to whom delivery of possession of such extent should be made.

(2) Where a written report is presented to a Magistrate's Court under subsection (1), such court shall direct the Fiscal or peace officer to evict forthwith the person specified in such report and all other persons in occupation of the extent of agricultural land specified in the order to deliver possession of such extent to the person mentioned in such report as the person to whom delivery of possession of such extent should be made.

(3) The Fiscal or peace officer entrusted with the execution of the order of eviction shall comply with the directions of the Magistrate's Court by which such order was made and shall make a due return of the manner in which he executed such order.

(4) In executing an order of eviction the Fiscal or the peace officer or any person authorized by either of them may use such force as may be necessary to enter the extent of agricultural land to which the order relates and evict any person bound by the order and to deliver possession of such extent in accordance with the directions of the Magistrate's Court which issued the order.

(5) Any person who unlawfully dispossesses a tenant cultivator who has been placed in possession of an extent of paddy land by the Fiscal under subsection (3) shall be guilty of an offence under this Act.

(6) Upon conviction for an offence under subsection (5) the Magistrate shall direct the Fiscal to place the tenant cultivator who has been unlawfully dispossessed from such extent, in possession of such extent by evicting any person in occupation of such extent.

Nominations of successor to tenant cultivator's rights.

7. (1) A tenant cultivator of any extent of paddy land, other than a tenant cultivator who cultivates such extent either jointly or in rotation with any other tenant cultivator, may nominate a member of his family as a successor who shall be entitled to succeed to such tenant cultivator's rights under this Act in respect of such extent upon the death of such tenant cultivator.

(2) Any nomination of a successor may at any time be cancelled by the tenant cultivator who made such nomination and a fresh nomination of a successor may be made by such tenant cultivator.

(3) The nomination of a successor and the cancellation of any such nomination shall be effected by a tenant cultivator in a document substantially in the prescribed form executed and witnessed in duplicate before a Government Agent, a divisional Assistant Government Agent, a Registrar of Lands, a notary or a Justice of the Peace.

(4) No stamp duty shall be charged or levied on the execution of a document specified in subsection (3).

(5) A document specified in subsection (3) shall not be deemed to be an instrument affecting land for the purpose of the Registration of Documents Ordinance, nor shall the provisions of Chapter II of that Ordinance apply to any person before whom any such document is executed.

(6) A document specified in subsection (3) shall not be valid unless and until it has been registered by the Registrar of Lands of the district in which the land to which that document refers is situated.

(7) After the registration of a document specified in subsection (3) whereby a person is nominated as successor to a tenant cultivator's rights under this Act in respect of any extent of paddy land, a document specified in that subsection whereby any other person is nominated as successor to such rights shall not be registered unless the nomination effected by the registered document has been duly cancelled by the registration of a document of cancellation. In one and the same document a registered nomination may be cancelled and some

other nomination in lieu thereof may be made, and, in that event, the document in which such cancellation and nomination are combined may be registered and shall upon due registration operate both as a cancellation of the previously registered nomination and as a nomination of a new nominee.

(8) Regulations may be made prescribing the procedure for the registration of a document specified in subsection (3) including the registers which shall be kept and the fees which shall be charged for such registration.

(9) Any person shall, on payment of the prescribed fee, be entitled to inspect at the office of the Registrar of Lands any register kept by such Registrar for the purposes of subsection (6).

8. (1) Where a tenant cultivator of any extent of paddy land, other than a tenant cultivator who cultivates such extent either jointly or in rotation with any other tenant cultivator, dies and he has not nominated a successor under section 7 or the successor nominated by him under that section is dead, his rights under this Act in respect of such extent shall devolve on the surviving spouse of such tenant cultivator and failing such spouse on only one of the children of such tenant cultivator, the oldest being preferred to the others where there are more children than one and in the absence of children on a parent, brother or sister of such tenant cultivator provided the successor to the deceased tenant cultivator's rights is a person whose main occupation is cultivation and whose only source of income is derived from such extent of paddy land.

Devolution of rights of tenant cultivator in the absence of nomination of successor and in cases of cultivation jointly or in rotation.

(2) Where a tenant cultivator of any extent of paddy land who cultivates such extent jointly or in rotation with any other tenant cultivator or cultivators, dies his right in respect of such extent in his capacity as such tenant cultivator shall devolve on such other tenant cultivator or cultivators.

9. (1) Where, on the death of a tenant cultivator of any extent of paddy land, there is a dispute as to the person on whom the rights of such tenant cultivator under this Act devolves, such dispute shall be referred by the parties to such dispute

Commissioner to decide disputes regarding devolution of rights to tenant cultivator.

for determination to the Commissioner within whose jurisdiction the extent of land in respect of which such dispute has arisen is wholly or mainly situated. The determination of the Commissioner on such dispute shall be communicated to the parties to such dispute.

(2) Where the parties to such dispute are aggrieved by the determination made under subsection (1) such parties may, within thirty days of the communication of such determination to them, appeal to the Court of Appeal against that determination on a question of law.

Curators.

10. (1) If the Commissioner is satisfied after such inquiry as he may deem necessary that the rights of a tenant cultivator under this Act have devolved on a minor, he may, notwithstanding anything in any other law, appoint a fit and proper person to be the curator of that minor for the purpose of enabling the minor to exercise his rights and to discharge his duties under this Act.

(2) A curator appointed under subsection (1) may be removed from office by the Commissioner if he is satisfied after inquiry that such curator has failed to perform his obligations or has been guilty of action or conduct adverse or prejudicial to the interests of the minor, or that the curator is unfit to continue to hold office or for any other sufficient cause.

(3) A curator appointed under subsection (1) shall, in respect of the extent of paddy land belonging to the minor whose curator he is, have and exercise all the rights and be subject to all the liabilities of a curator appointed by a court of competent jurisdiction.

(4) A person appointed under subsection (1) as the curator of a minor shall cease to hold office upon the appointment by any court of competent jurisdiction of any other person as curator of that minor.

Transfer and
cession of
rights of tenant
cultivator.

11. (1) A tenant cultivator of any extent of paddy land, after giving written notice of his intention so to do to the landlord of such extent and to the Cultivation Officer within whose local

jurisdiction such extent wholly or mainly lies, may—

(a) if he cultivates such extent either jointly or in rotation with any other tenant cultivator or cultivators, transfer his rights in respect of such extent to any other such tenant cultivator who is a citizen of Sri Lanka; or

(b) if he does not cultivate such extent either jointly or in rotation with any other tenant cultivator or cultivators, transfer his rights in respect of such extent to his spouse and failing such spouse to only one of his children the eldest being preferred to the others when there are more children than one.

(2) A tenant cultivator of any extent of paddy land may, with the written sanction of the Commissioner given after such inquiry and on such terms as he may deem necessary, cede his rights in respect of such extent to his landlord if such landlord is also the owner of such extent.

(3) Any transfer or cession by the tenant cultivator in violation of the provisions of subsection (1) or (2) shall be null and void and shall render the person in occupation of such extent to be evicted in accordance with the provisions of section 6 and on such eviction the provisions of subsection (5) of section 4 shall apply.

(4) Notwithstanding anything in the preceding provisions of this section, where, in respect of any extent of paddy land, there is a registered nomination of a successor made by the tenant cultivator of such extent, a transfer or a cession under this section of the rights of such tenant cultivator shall not be valid unless and until such nomination is duly cancelled and such cancellation is duly registered.

12. Where the rights of a tenant cultivator of any extent of paddy land are transferred by him to any person, such person shall, subject to the provisions of this Act, be a tenant cultivator of such extent.

Effect of
transfer of
rights of tenant
cultivator.

Where there is no successor to inherit a tenant cultivator's rights.

13. Where a tenant cultivator of any extent of paddy land dies and there is no nominated successor or member of the family to inherit the deceased's rights under this Act in respect of such extent, then—

- (a) if the landlord of such extent is also the owner of such extent, he may, after giving within two months after the death of such tenant cultivator written notice that he desires to be the owner cultivator of such extent to the Commissioner, occupy and use such extent as owner cultivator; or
- (b) if the landlord of such extent is not the owner of such extent, and the landlord and the owner of such extent fail to give, within the time allowed therefor, the written notice referred to in paragraph (a), the Commissioner shall appoint any suitable person to be the tenant cultivator of such extent.

Person not entitled to rights of a deceased tenant cultivator in respect of any extent of paddy land not to occupy and use such extent.

14. (1) Where a tenant cultivator of any extent of paddy land dies, no person who is not entitled under this Act to the rights of such tenant cultivator in respect of such extent shall occupy and use such extent.

(2) Where any extent of paddy land is occupied and used by any person in contravention of subsection (1), the Commissioner shall in writing order such person to vacate such extent on or before such date as shall be specified in such order. If such person fails to comply with such order he shall be evicted from such extent in accordance with the provisions of section 6.

Power of Commissionere to appoint tenant cultivator.

15. (1) Where there is no tenant cultivator in respect of an extent of paddy land and such extent is not cultivated for two or more successive seasons, the Commissioner may, subject to the provisions of subsection (2), appoint the cultivator of any extent of paddy land which in the opinion of the Commissioner is an uneconomic extent, to be the tenant cultivator of the first-mentioned extent.

(2) No appointment under subsection (1) shall be made by the Commissioner in respect of any extent of paddy land unless—

- (a) he has given written notice of his intention so to do to the landlord of such extent, and
- (b) the landlord of such extent has failed to show, within such time as shall be specified in such notice, sufficient cause against the making of such appointment.

(3) Where any such extent of paddy land as is mentioned first in subsection (1) is occupied and used by any person at the time a tenant cultivator is appointed under that subsection the Commissioner shall in writing order such person to vacate such extent thereof on or before such date as shall be specified in such order and if such person fails to comply with such order he shall be evicted from such extent in accordance with the provisions of section 6.

16. Where a tenant cultivator of any extent of paddy land is unable to cultivate such extent during any paddy cultivation season he shall, before the commencement of that season, notify in writing the landlord of such extent and the Commissioner that he is unable to cultivate such extent during that season, and the landlord may, with the approval of the Commissioner, appoint himself or a suitable person to cultivate that extent during that season and not thereafter.

Non-cultivation of any extent of paddy land to be notified to the landlord and the Commissioner.

17. (1) The Commissioner shall, by notification published in the Gazette, determine from time to time in accordance with the provisions of this section, the rent to be paid by the tenant cultivator of any extent of paddy land.

Rent to be determined by the Commissioner

(2) A determination under subsection (1) shall specify the number of bushels of paddy, not exceeding fifteen, in respect of each cultivated acre of any extent of paddy land in any region to which such determination applies or a portion, not exceeding one-quarter of the total yield of the paddy from that extent reduced by the amount of any charge which may be imposed under this Act, whichever is greater, as the rent payable for that extent for each paddy cultivation season.

(3) The rent determined under subsection (I) may vary in respect of different administrative districts or in respect of different parts of an administrative district.

(4) Where the rent determined under subsection (I) is computed on the basis of a specified number of bushels of paddy for each cultivated acre, the rent for any cultivated area of less than one acre shall be computed in the proportion that such area bears to one acre.

(5) The rent payable for any extent of paddy land shall, for each paddy cultivation season, consist, *oi*—

(a) the quantity of paddy computed for that extent in accordance with such determination in force under the preceding provisions of this section as is applicable to paddy lands of the region in which that extent lies, or

(b) where the landlord desires to have the rent in money and the tenant cultivator agrees to pay the rent in money, the equivalent in money of the rent payable in paddy under paragraph (a) of this subsection, computed at the price fixed for the time being for paddy of the same description as the paddy from that extent in accordance with the provisions of this Act.

(6) Where the Commissioner is satisfied that the tenant cultivator of any extent of paddy land has wilfully neglected the cultivation of such extent during any paddy cultivation season in which cultivation was possible or has, without reasonable cause, committed during any paddy cultivation season a breach of any established custom relating to cultivation, the Commissioner may order that the rent for such season payable in paddy under the provisions of this Act in respect of such extent shall be computed on the basis specified by the Commissioner and according to the rent in paddy so computed the rent in money shall be computed.

(7) Where the cultivation of the extent of paddy land of a tenant cultivator is a partial failure during any paddy cultivation season for any cause other than his fault or neglect, the rent payable by him for such season in respect of such extent shall be reduced by such reasonable amount as shall be determined by the Commissioner.

(8) Where any dispute arises between the tenant cultivator of any extent of paddy land and his landlord as to the amount of the rent payable in respect of such extent under the determination made under subsection (I), such dispute may be referred for decision to the Commissioner, the decision of the Commissioner on such dispute shall be communicated in writing to such tenant cultivator and to his landlord and such decision on any such dispute shall be final and conclusive—

18. (1) When the landlord informs the Commissioner that the tenant cultivator is in arrear of rent in respect of an extent of paddy land the Commissioner shall on being satisfied that the arrears of rent are not being paid, give notice in writing to the tenant cultivator that his tenancy in respect of such extent would be terminated if he fails to pay such arrears within the time specified in such notice.

Consequence of failure by tenant cultivator to pay rent.

(2) A tenant cultivator who fails to pay the arrears of rent within the time specified therefor shall be deemed to have forfeited his tenancy and shall vacate such extent on being ordered to do so by the Commissioner.

(3) If the tenant cultivator fails to vacate such extent within the time specified in the order the Commissioner shall cause such tenant cultivator to be evicted from such extent in accordance with the provisions of section 6.

(4) When the tenancy rights of a tenant cultivator have been terminated in accordance with the provisions of this section the owner or his authorized agent shall with the approval of the Commissioner—

(a) be entitled to cultivate such extent on such condition as may be prescribed, or

(b) appoint one or more tenant cultivators for such extent within such period as may be prescribed.

(5) On failure of the landlord to take action under the provisions of paragraph (a) or paragraph (b) of subsection (4) within the prescribed period the Commissioner may appoint a suitable person as a tenant cultivator of such extent.

When rent is not payable.

19. Where the extent of paddy land of a tenant cultivator is not cultivated during any paddy cultivation season or the cultivation of such extent during such season completely fails for any cause other than his fault or neglect no rent for such season shall be payable in respect of such extent.

Time and place for paying rent and when rent commences to be in arrear.

20. The rent for any paddy cultivation season shall be paid at the threshing-floor on or before the thirtieth day after harvesting of the crop from such extent for such season and if not so paid shall commence to be in arrear on the first day after the said thirtieth day.

Tenant cultivator to inform landlord of the dates for harvesting and removal of paddy.

21. (1) It shall be the duty of the tenant cultivator of any extent of paddy land to give to his landlord and to the Cultivation Officer within whose local jurisdiction such extent wholly or mainly lies—

(a) at least ten days' notice of the date on which it is intended to commence the harvesting of the crop from such extent, and

(b) at least seven days' notice of the date on which it is intended to remove from the threshing floor the crop harvested from such extent.

(2) Any tenant cultivator who fails to comply with the provisions of paragraph (a) or (b) of subsection (1) shall be guilty of an offence under this Act.

To whom rent is payable.

22. (1) The rent in respect of any extent of paddy land shall be paid by the tenant cultivator of such extent to the landlord of such extent or to his authorized agent either directly or through the Agrarian Services Committee, where such landlord fails or refuses to accept such rent.

(2) Where there are two or more landlords of an extent of paddy land, they shall appoint a person for the purpose of collecting the rent from the tenant cultivator of such extent, and shall in writing notify the name and address of the person appointed for such purpose to the Agrarian Services Committee within whose local jurisdiction such extent wholly or mainly lies, and, if no such appointment is made, such rent shall be paid, directly or through such Committee to the person, if any, who customarily collects such rent for such landlords.

(3) If there is no person entitled to collect such rent or if there is any dispute as to the proportion in which such rent should be paid to each landlord, or as to the person to whom such rent should be paid, such rent computed in money in accordance with the provisions of this Act shall be paid by such tenant cultivator to such Committee, and such Committee shall pay such amount less any expenses incurred by such Committee in handling such rent, to the District Court within whose local jurisdiction such extent wholly or mainly lies, to be drawn by the person or persons entitled thereto.

(4) Where the amount referred to in subsection (3) is not drawn by the person or persons entitled thereto within one year after the date on which such sum was paid to such court, such court shall cause such sum to be paid into the Agrarian Services Fund and no person thereafter shall be entitled to demand or receive such amount.

23. (1) Where the tenant cultivator of any extent of paddy land instead of paying the rent for such extent directly to the landlord of such extent or to his authorized agent pays it to the Agrarian Services Committee within whose local jurisdiction such extent wholly or mainly lies, such Committee shall—

Provisions applicable where rent is paid through the Agrarian Services Committee to the landlord or to his authorized agent.

(a) if such rent is paid in money, cause the amount of such rent to be transmitted to such landlord or to his authorized agent, as the case may be; or

(b) if such rent is paid in paddy, cause to be sent to such landlord or to his authorized agent, as the case may

be, a written notice requesting him to take delivery of such rent within thirty days after the date of such notice; and

- (c) deduct from such rent any expenses incurred by such Committee in the handling of such rent

(2) Where the rent for any extent of paddy land is paid in paddy to the Agrarian Services Committee, and such rent is not claimed by the person entitled thereto within thirty days after the date of the notice sent to him under subsection (1), such Committee may cause the paddy to be sold and shall cause the proceeds of the sale to be transmitted to such person.

(3) Where any sum of money transmitted (otherwise than by money order or postal order) to any person under this section by the Agrarian Services Committee is not claimed by such person within one year after the date on which such sum was transmitted, such sum shall be paid into the Agrarian Services Fund by such Committee, and no person thereafter shall be entitled to demand or receive such sum or the rent which such sum represents,

24. (1) The person entitled to collect the rent in respect of any extent of paddy land shall, on receiving the rent, issue to the person by whom the rent is paid a receipt Specifying—

- (a) the date of payment,
- (b) the person who paid the rent,
- (c) the amount of the rent paid,
- (d) the period for which the rent is paid, and
- (e) the paddy land in respect of which the rent is paid.

(2) The person entitled to collect the rent under subsection (1) shall if he fails to comply with that subsection be guilty of an offence under this Act.

25. Where any rent in respect of any extent of paddy land is in arrear, the amount of rent in arrear computed in money in accordance with the provisions of this Act shall bear simple interest at the prescribed rate.

26. (1) Where any sum is due from the tenant cultivator of any extent of paddy land to his landlord as rent in arrear or interest on such rent or both, the landlord may apply to the Commissioner for an order, and the Commissioner shall upon such application, make an order after due inquiry for the payment of whatever sum is due from such tenant cultivator-

Recovery of rent and interest in arrear-

(2) If such tenant cultivator fails to pay such sum within the time allowed by the order under subsection (1), such sum may be recovered upon application being made by the landlord to the Magistrate's Court having jurisdiction over the place where the land in respect of which the rent is due is situated in like manner as a fine imposed by such court notwithstanding that such sum may exceed the amount of the fine which that court may in the exercise of its ordinary jurisdiction impose, and any sum so recovered shall be paid by such court to the applicant landlord.

(3) For the purposes of subsection (2) a certificate by the Commissioner that such sum is due to the landlord shall be conclusive proof that such sum is due.

PART II

PROVISIONS APPLICABLE TO LOANS GRANTED BY PRESCRIBED BANKS FOR CULTIVATION

27. (1) The owner cultivator or occupier of any agricultural land may obtain a loan from a prescribed bank in respect of such land for any agricultural activity, by creating a mortgage or charge on such land or on any other immovable property which he owns or in which he has an interest, by the execution in duplicate of an instrument substantially in the prescribed form, or on such terms and conditions as may be determined by the prescribed bank without the execution of such instrument.

Terms and conditions of loans by prescribed banks.

(2) Any instrument referred to in subsection (1) shall only be chargeable with a stamp duty equal to one-fifth of the duty chargeable under Schedule A to the Stamps

Receipts to be given for payment of rent.

Interest to be paid on rent in arrear.

Ordinance* for a bond or mortgage of a like nature. Such duty shall be paid on the duplicate of the instrument and the original or counterpart of such instrument shall be exempt from stamp duty, if any.

- (3) Every prescribed bank—
 - (a) shall cause to be numbered with consecutive integral numbers, the instruments executed in favour of such bank under this section according to the order in which they are executed;
 - (b) shall before the fifteenth day of each month deliver or transmit to the Registrar of Lands of the district in which the prescribed bank functions, the duplicate of all such instruments executed in favour of such bank during the preceding month, together with a list of such instruments;
 - (c) shall deliver or transmit to the Registrar of Lands of that district in which the prescribed bank functions, so as to reach such Registrar on or before Wednesday in each week, a list of such instruments executed in favour of such bank during the week ending on the previous Saturday;
 - (d) shall, if any such instrument affects land or immovable property situated in any district, other than that in which the prescribed bank functions, on or before the fifteenth day of the succeeding month, deliver or transmit a copy of the instrument to the Registrar of Lands of the district in which such land or immovable property is situated together with a list of all such instruments as relate to lands or immovable property in such last-mentioned district; and
 - (e) shall, if such instrument is executed by an attorney forward a copy of such power of attorney to the Registrar of Lands of the district in

which such land or immovable property is situated together with a copy of that instrument.

(4) Any instrument referred to in subsection (1), may be signed in the presence of and the execution of such instrument may be attested by the Manager of the branch or office of the prescribed bank granting the loan or any person holding any prescribed office in such bank and at least one other witness; and where such instrument is so signed and attested, nothing in section 2 of the Prevention of Frauds Ordinance shall apply thereto.

(5) Any instrument referred to in subsection (1) may be registered under the Registration of Documents Ordinance as an instrument affecting land.

28. Where default is made in the payment of any sum of money on any loan granted to an owner cultivator or occupier of agricultural land by a prescribed bank under the provisions of this Part or under the corresponding provisions of the Agricultural Lands Law, No. 42 of 1973,+ whether that sum is due on account of principal or interest or of both, default shall be deemed to be made in respect of the whole of the unpaid portion of that loan and the interest due thereon.

Default of payment.

29. (1) Where, under the provisions of this Part, default is made or deemed to be made in respect of the whole of the undischarged or unsatisfied portions of any loan and the interest due thereon the prescribed bank may notify the Commissioner that the owner cultivator or occupier of such agricultural land is in default of the sum of money specified in such notice.

Action by prescribed bank where default is made.

(2) On receipt of a notice referred to in subsection (1), the Commissioner may hold an inquiry for the purpose of deciding whether such owner cultivator or occupier of agricultural land is in default of such sum of money.

* See also the Stamp Duty Act, No. 43 of 1982.

+ Repealed by this Act.

(3) The owner cultivator or occupier of agricultural land and the prescribed bank shall be given an opportunity of being heard in person or through a representative at such inquiry.

(4) Where the Commissioner is satisfied at such inquiry that any sum of money is due to the prescribed bank from the owner cultivator or occupier of agricultural land, the Commissioner shall order such owner cultivator or occupier of agricultural land or any heir or legal representative of such owner cultivator or occupier of agricultural land to pay the sum of money due to the prescribed bank within such time as may be specified in such order.

(5) Where the owner cultivator or occupier of agricultural land fails or refuses to comply with an order made under subsection (4) relating to any sum which he is required to pay to the prescribed bank such sum may on application made by any person on behalf of the prescribed bank to the Magistrate's Court having jurisdiction over the place where such extent of agricultural land is situate, be recovered in like manner as a fine imposed by such court notwithstanding that such sum may exceed the amount of the fine which that court may in the exercise of its ordinary jurisdiction impose.

(6) For the purposes of subsection (5) a certificate under the hand of an officer authorized in that behalf by the prescribed bank to the effect that the sum specified therein is due to such bank from the defaulter named in the certificate shall be conclusive proof that such sum is due to the bank from such defaulter:

Provided, however, that where such occupier is a tenant cultivator and the prescribed bank reports to the Commissioner that it is impracticable or inexpedient to recover such sum in the manner provided for in subsection (5), the Commissioner on being satisfied that such sum cannot be recovered in the manner provided for, may suspend the tenancy rights of such defaulter until such money is paid to the prescribed bank.

30. Notwithstanding anything to the contrary in any law for the time being' in force, any charge or mortgage created or any land or interest therein in favour of E prescribed bank in respect of any loan granted to any owner cultivator or occupier of an agricultural land by a prescribed bank shall have priority over any other charge or mortgage that may have been created over such land or interest therein in favour of any person prior to the date on which the charge or mortgage was created in favour of the prescribed bank.

Priority of charge created by loan made by prescribed bank.

31. Nothing in section 29 shall be deemed to preclude the prescribed bank from recovering the amount due to such bank in accordance with the provisions of any other written law.

Prescribed bank not precluded from other methods of recovery.

32. Nothing in the Debt Conciliation Ordinance shall apply or be deemed to apply to any debt due to any prescribed bank, or to prejudice or affect the rights of any prescribed bank in respect of the recovery of any such debt.

Debt Conciliation Ordinance not to apply to debts due to a prescribed bank.

PART III

EFFICIENT CULTIVATION OF AGRICULTURAL LAND

33. It shall be the duty of every owner cultivator or occupier of any agricultural land to cultivate such land with such crops or rear such breeds of livestock as are best suited for the land, having regard to the extent and the situation and the natural resources of the land in accordance with standards of cultivation as are hereinafter provided by this Act or any regulation made thereunder, with a view to improving the productivity and maintaining efficient standards of production both as to quantity and quality of the produce.

Duties of owner cultivators or occupiers relating to the forming and management of agricultural land.

34. (1) Without prejudice to the generality of the provisions of section 33, the owner cultivator of any agricultural land shall—

Standards of good management.

(a) carry out all such duties and obligations in respect of his agricultural land; and

- (b) fulfil all such obligations in respect of maintaining the productivity of the agricultural land of the area, tract or group of holdings within which his land is located,

as are specified in this Act or under any regulations made thereunder.

(2) The owner cultivator or occupier of any agricultural land shall, in addition to such other duties as the Commissioner may in his discretion specify, ensure that—

- (a) only recommended varieties and strains of crops and breeds of livestock are cultivated or reared ;
- (b) the manner in which the agricultural land is being cropped is such as to maintain that land clean and in a good state of cultivation and fertility and in good condition including proper drainage;
- (c) irrigation water is efficiently managed;
- (d) the land is properly maintained in order to ensure the maximum conservation of soil and water;
- (e) the fertility of the soil is improved and maintained by the application of fertilizers or manure in adequate quantities;
- (f) according to the type of agricultural operation undertaken, an efficient standard of management is maintained in the cultivation of crops or the rearing of livestock ;
- (g) the necessary steps are taken to secure and maintain crops and livestock free from diseases and from infestation by insects and other pests;
- (h) the necessary steps are taken for the protection and preservation of growing crops and crops harvested or in the course of being harvested ;
- (i) the necessary steps are taken to minimize losses in both quantity and quality of produce in the processing for market ; and
- (j) the maintenance and repair work is carried out wherever necessary.

(3) The owner cultivator or occupier of any agricultural land shall take the necessary steps to ensure that all his duties and obligations arising from the need for common management of land with other owner cultivators or occupiers over a given area, tract or group of agricultural holdings are properly discharged. Such duties may involve any one or all of the following:—

- (a) the proper timing of agricultural operations;
- (b) the efficient management of irrigation water;
- (c) joint measures for conservation of soil;
- (d) water conservation and drainage ;
- (e) protection against pests and diseases;
- (f) any other collective responsibilities which may be prescribed by regulations under this Act for efficient land use and the improvement of agricultural productivity; and
- (g) ensuring that the prescribed period between the harvesting of any agricultural produce and the marketing thereof, is adhered to.

(4) An owner cultivator or occupier who fails to fulfil the obligations placed on him under subsections (1), (2) or (3) shall be guilty of an offence under this Act.

35. (1) Where the Commissioner is satisfied that any agricultural land is not being cultivated in accordance with the provisions of this Act, the Commissioner may, after giving the owner cultivator or occupier of such agricultural land an opportunity of making representations to him or his authorized representative, by Order (hereinafter referred to as a "Supervision Order") place the owner cultivator or occupier under the Commissioner's supervision for such period as may be specified in such Order.

Order placing owner cultivator or occupier under Commissioner's supervision.

(2) Every Supervision Order shall be sent by registered post to the person to whom it relates:

Provided, however, that where there are several owner cultivators or occupiers of such land and the addresses of such owner cultivators or occupiers cannot be ascertained, the exhibition of such Order in a conspicuous place in or upon the land shall be deemed to be service of the Order on all the owner cultivators and occupiers thereof.

(3) While a Supervision Order is in force any person authorized by the Commissioner in that behalf may—

- (a) at all reasonable times enter upon the land to which the Order relates for the purpose of inspecting and observing the manner in which the land is being cultivated ;
- (b) by notice in writing give any directions to the owner cultivator or occupier of the land in question in order to ensure that such person is acting in accordance with the standards of cultivation laid down in this Act.

(4) A Supervision Order issued under subsection (1) may be revoked by the Commissioner if he is satisfied that the owner cultivator or occupier of the agricultural land is cultivating such land in accordance with the provisions of this Act:

Provided that the revocation of such Order shall not affect the carrying out of any direction given before the revocation of the Order.

(5) Where a Supervision Order is revoked, notice of such revocation shall be served in the same manner as the Supervision Order was served.

Orders of Dispossession.

36. (1) Where the Commissioner is satisfied that the cultivation of the extent of land to which the Supervision Order relates does not show satisfactory improvement within the period specified in such Order the Commissioner shall issue an Order of Dispossession, dispossessing the owner of his right to cultivate the land in respect of

which such Order is made and to the crop from such land for such period as shall be specified in such Order.

(2) The provisions of subsection (2) of section 35 shall apply to the service of the Order of Dispossession made under subsection (t) of this section.

37. (1) Upon an Order of Dispossession being made and served, the person on whom the Order is served shall within the period specified in the Order vacate the land referred to in the Order and deliver possession of such land to the Agrarian Services Committee within whose area of authority such land is situated.

Vacation of land referred to in Order of Dispossession.

(2) Where an Agrarian Services Committee comes into possession of any land under the provisions of subsection (1) the Committee may for the purpose of ensuring the efficient cultivation of such land with the approval of the Commissioner:—

- (a) cultivate such extent;
- (b) where the land is a paddy land appoint one or more tenant cultivators for such extent; or
- (c) where the owner is not the occupier of such land, permit the owner to cultivate such land ; or
- (d) lease such land to any suitable person:

Provided, however, that where the occupier of such land is also its owner, such land shall not be handed back to the owner except on payment by him of all expenses incurred on, and improvements effected to, such land by such Committee or by any person to whom such land has been given for cultivation under this subsection.

38. Where any person on whom an Order of Dispossession has been served, fails to vacate the land within the period specified in such Order, the Commissioner shall evict such person under the provisions of section 6.

Eviction of persons failing to vacate land.

PART IV

APPOINTMENT AND POWERS AND DUTIES OF COMMISSIONER OF AGRARIAN SERVICES AND OF HIS DEPUTIES AND ASSISTANTS

Appointment of Commissioner of Agrarian Services and Deputies and Assistants.

39. (1) There may be appointed for the purposes of this Act, a Commissioner of Agrarian Services, in this Act referred to as the Commissioner.

(2) There may be appointed such number of Deputy Commissioners and Assistant Commissioners of Agrarian Services and other officers as may be necessary for the purpose of this Act.

(3) Every Deputy Commissioner may exercise all or any of the powers of the Commissioner under this Act.

(4) Every Assistant Commissioner may exercise all or any of the powers of the Commissioner under this Act within the area to which such Assistant Commissioner is appointed.

(5) Every Deputy Commissioner and every Assistant Commissioner shall, in the exercise of the powers and the performance of his duties under this Act, be subject to the direction and control of the Commissioner.

Commissioner to issue identity cards.

40. (1) The Commissioner shall in the prescribed manner cause to be made the necessary arrangements for the issue of identity cards to owner cultivators or occupiers of agricultural lands and for the revision of such cards.

(2) In the issue of identity cards reference shall be made *inter alia* to the last certified Agricultural Lands Register and entries maintained in such identity cards under the provisions of this section shall be *prima facie* evidence of the matters stated therein.

Commissioner to be subject to general direction of the Minister.

41. The Commissioner shall, in the exercise of his powers and the performance of his duties under this Act which are solely administrative be subject to the general direction of the Minister.

Commissioner to make rules.

42. (1) The Commissioner or any other person generally or specially authorized by him in that behalf may summon a meeting of the owner cultivators and occupiers of agricultural land within such area as may be determined by him for the purpose of making rules relating to—

- (a) paddy cultivation or any other form of cultivation;
- (b) the enforcement of established customs affecting such cultivation;
- (c) the proper timing of agricultural operations;
- (d) the efficient management of irrigation water;
- (e) joint measures for conservation of soil and protection against pests and diseases and trespass by animals; and
- (f) any other collective responsibilities imposed on owner cultivators and occupiers of agricultural land for the efficient use of such land and for the improvement of productivity.

(2) Where any meeting is to be held under the provisions of this section the Commissioner or any other person generally or specially authorized by him in that behalf shall cause notice being the longest notice which in his opinion is reasonable in the circumstances to be given of the time and place of the meeting and its objects.

(3) The notice referred to in subsection (2) shall be given by exhibiting written notices in suitable places within the area or tract within which such meeting is to be held and in such other manner as may appear adequate for giving publicity thereto.

(4) The Commissioner or any other person generally or specially authorized by him in that behalf and referred to by name or by office (hereinafter referred to as the "presiding officer") shall preside at every meeting held under the provisions of this section.

(5) A meeting convened under the provisions of this section shall not be deemed to be validly constituted unless there are present owner cultivators or occupiers representing one third or twenty-five *per centum* of the total number of owner cultivators or occupiers of agricultural land referred to in subsection (1).

(6) Any rule made at a meeting under the provisions of this section shall be adopted by those present at the meeting and shall thereafter be binding on the owner cultivators and occupiers.

(7) If at any meeting held under the provisions of this section any question arises as to the right of any person to vote the presiding officer may then and there decide the question and his decision shall be entered in the minutes and shall be final and conclusive.

(8) Full minutes shall be made of the proceedings of every such meeting and shall be signed by the presiding officer and shall be conclusive evidence of the contents thereof.

(9) Any owner cultivator or occupier of agricultural land who contravenes any of the decisions made in accordance with the provisions of this section shall be guilty of an offence.

(10) At a meeting convened under the provisions of this section the owner cultivators or occupiers of agricultural land may select from among themselves in such manner as may be prescribed, persons to assist the Cultivation Officer in matters relating to the protection of irrigation works and for the conservation of water supplied therefrom and any other matters relating to cultivation as may arise from time to time and any person so selected shall be entitled to such remuneration as may be prescribed.

(11) Any person so selected shall have, subject to the control and direction of the Commissioner or any person authorized in that behalf by the Commissioner, the power to order any owner or occupier of agricultural land to take steps as he may deem necessary regarding the collective responsibilities of such owners or occupiers

in regard to irrigation and cultivation practices and in respect of the protection of minor irrigation works and the conservation of water supplied therefrom.

PART V

AGRARIAN SERVICES COMMITTEES

43. (1) There shall be an Agrarian Services Committee and an Agrarian Services Centre for such area as may be determined by the Commissioner.

Agrarian Services Committees.

(2) Every Agrarian Services Committee shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The members of an Agrarian Services Committee shall be appointed by the Commissioner and shall consist of not more than fourteen persons of whom not more than eight shall be public officers or employees of public corporations and statutory bodies and of whom not more than six shall be owner cultivators or occupiers of agricultural land within the area of such Committee from among the persons selected under the provisions of subsection (10) of section 42 and a member of such Committee shall be entitled to such remuneration as may be prescribed.

(4) The term of office of a member of an Agrarian Services Committee shall be three years, but a member who ceases to hold office by effluxion of time shall be eligible for reappointment.

(5) Any member of an Agrarian Services Committee may resign office by letter addressed to the Commissioner.

(6) Where a member of an Agrarian Services Committee is temporarily unable to discharge the duties of his office on account of ill health, absence from Sri Lanka or any other cause, the Commissioner may appoint some other person to act as a member in his place.

(7) If the Commissioner is satisfied that any member of an Agrarian Services Committee is incapacitated by infirmity of mind or body from discharging the duties of

his office or is otherwise unsuited to continue to discharge such duties, the Commissioner may terminate his appointment and appoint another member to such Committee:

Provided, however, that a member appointed in place of a member who is removed from or otherwise vacates office shall hold office for the unexpired period of the term of office of the member whom he succeeds unless the member so appointed is earlier removed from or otherwise vacates office.

(8) The members of an Agrarian Services Committee shall annually elect a member from among themselves to preside at meetings of the Committee.

(9) No act or proceeding of an Agrarian Services Committee shall be deemed to be invalid by reason only of the existence of any vacancy among its members.

(10) Subject to the other provisions of this Act, an Agrarian Services Committee shall have the power to fix and regulate its own procedure including the power to determine the number of members necessary to form a quorum.

(11) The Commissioner may, at any time he considers it expedient or necessary so to do, convene and preside at a meeting of an Agrarian Services Committee.

Secretary.

44. The Commissioner shall appoint a member of an Agrarian Services Committee as Secretary of the Committee and the Secretary so appointed shall be the chief executive officer of such Committee.

Register of agricultural lands.

45. (1) Every Agrarian Services Committee shall in the prescribed manner prepare, revise and maintain a register of agricultural lands within the area of authority of such Committee :

Provided, however, that the first register in respect of the agricultural lands lying within the area of authority of each such Committee shall be prepared and certified by the Commissioner.

(2) There shall be specified in such register the name and extent of each

agricultural land, the name of the landlord and tenant cultivator or owner cultivator, as the case may be, and such other particulars as may be required by the Commissioner.

(3) Any entry in the register which has been prepared or revised under the provisions of this section and which is for the time being in force shall be admissible in evidence and shall be prima facie evidence of the facts stated therein.

(4) Regulations may be made—

(a) in respect of the procedure to be followed in the preparation and revision of the register referred to in subsection (1);

(b) providing for any person who claims to be entitled under this Act to have his name entered in such register and whose name is not so entered to apply to the Agrarian Services Committee to have his name entered therein;

(c) providing for any person whose name is entered in such register and who objects to the name of any other person appearing therein to apply to the Agrarian Services Committee to have the name of such other person removed from such register;

(d) in respect of the procedure to be followed by the Agrarian Services Committee in the determination of claims and objections ; and

(e) providing for appeals to the Commissioner from the determination of an Agrarian Services Committee on any claim or objection made to such Committee.

46. (1) Every Agrarian Services Committee shall within its area of authority co-ordinate the agricultural activities and implement the agricultural policies of the Government and shall be subject to the control and direction of the Commissioner.

Functions and powers of the Agrarian Services Committees.

(2) Without prejudice to the generality of the provisions of subsection (1) an Agrarian Services Committee shall have power—

- (a) to acquire, hold, take or give on lease, or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property;
- (b) to impose on and recover from an owner cultivator or occupier of agricultural land an acreage levy not exceeding six rupees per acre per year and any other charges levied for services rendered under this Act •
- (c) to utilize the moneys of such Committee to defray the expenses incurred in the exercise or performance of its powers and duties and for such purpose as may be prescribed;
- (d) to maintain and operate an account in such bank as may be determined by such Commissioner.

(3) Every such Committee shall in the exercise of its powers and the performance of its duties be subject to the general directions of the Commissioner or of such delegated authority as may be prescribed.

(4) It shall be the duty of the Secretary of each Agrarian Services Committee to maintain the accounts of such Committee in such form and manner as the Commissioner may, from time to time, direct. Such accounts shall be audited annually by the Auditor-General.

Procedure for recovery of acreage levy.

47. (1) An Agrarian Services Committee may by notice in writing direct every owner or occupier of agricultural land liable to pay acreage levy to such Committee to pay such levy within such periods as shall be specified in such notice.

(2) Where an Agrarian Services Committee is satisfied after due inquiry that a person to whom a written notice has been given has failed to pay the amount specified in such notice within the time given therefor, such amount shall on application by an officer authorized in that behalf by such

Committee made to the Magistrate's Court having jurisdiction over the place where the extent of agricultural land in respect of which the levy is payable is situated be recovered in like manner as a fine imposed by such court.

(3) For the purposes of subsection (2) a certificate under the hand of the officer authorized in that behalf by the Committee to the effect that the sum specified therein is due to the Committee from the person named in the certificate shall be conclusive proof that such sum is due to the Committee from such person.

48. Where an Agrarian Services Committee after being directed by the Commissioner to exercise, perform or discharge any power, duty or function conferred or imposed on or assigned to such Committee by or under this Act or by any regulations made thereunder, fails to do so within the time specified in the direction, the Commissioner may exercise, perform or discharge such power, duty or function, and any act so done by the Commissioner under the provisions of this section shall be deemed to have been done by such Committee. Powers of the Commissioner.

49. Each Agrarian Services Committee shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly. Agrarian Services Committee deemed to be a scheduled institution within the meaning of the Bribery Act.

50. All officers and servants of an Agrarian Services Committee shall be deemed to be public servants within the meaning and for the purposes of the Penal Code. Officers and servants of an Agrarian Services Committee deemed to be public servants.

51. It shall be lawful for an Agrarian Services Committee, subject to the approval of the Commissioner to borrow money from any approved lending institution such sum or sums of money as may be necessary for or conducive or incidental to any of the functions of such Committee- Power to borrow money.

PART VI

CULTIVATION OFFICERS

Appointment of servants or agents.

52. (1) An Agrarian Services Committee may appoint such servants or agents as it deems fit for the exercise of its powers and the discharge of its duties.

(2) All servants and agents appointed by any Agricultural Productivity Committee established under the Agricultural Productivity Law, No. 2 of 1972,* shall cease to hold office from the date of the constitution under this Act of an Agrarian Services Committee in its place.

(3) All such servants and agents specified in subsection (2) shall be paid out of the Agrarian Services Fund established under this Act, and a sum of money not exceeding five hundred rupees or three months' salary, whichever is greater, shall be paid to each such servant or agent, provided that such servant or agent has returned such books and documents as were in his custody, belonging to the Agricultural Productivity Committee in which he held office, and is not employed by an Agrarian Services Committee.

Agrarian Services Committee exempt from stamp duty and fees.

53. Every Agrarian Services Committee shall be exempt from—

(a) any stamp duty chargeable under any written law in respect of any instrument executed by or on behalf of, or in favour of, an Agrarian Services Committee or in respect of any document filed in a court, in cases where but for the exemption granted by this section the Agrarian Services Committee would be liable to pay the duty chargeable in respect of such instrument or document, and

(b) any fees payable under the law for the time being in force relating to the registration of documents.

Exemption from tax.

54. Every Agrarian Services Committee shall be exempt from the payment of any tax on the income or profits made by such Committee under the provisions of the Inland Revenue Act (No. 28 of 1979).

Appointment of Cultivation Officers and their powers and functions.

55. (1) There may be appointed such number of Cultivation Officers as may be necessary for the purposes of this Act, and the officers so appointed shall be subject to the general control and direction of the Commissioner.

(2) Every Cultivation Officer shall within the area of his authority—

(a) attend to all matters connected with the cultivation of all agricultural lands irrespective of whether such lands are rainfed or fed by major or minor irrigation works;

(b) attend to all matters relating to minor irrigation works and the maintenance of minor irrigation works and to prevent as far as practicable any act or omission which is contrary to any rule in force relating to irrigation or cultivation rights or to established customs relating thereto ; and

(c) take action in such manner as may be prescribed in respect of trespass by animals on agricultural lands and irrigation works.

(3) Where any act is committed or any omission made by any person within the area of authority of any Cultivation Officer contrary to any established custom or any rule relating to irrigation or cultivation whereby damage may be caused to the owner cultivator or occupier of agricultural land within that area of authority the Cultivation Officer shall, if the act or omission be of such a nature as to call for prompt action to prevent damage, take such steps and incur such expenditure as may be necessary in the circumstances and shall forthwith make a report on the steps taken and expenditure incurred, if any, to the Commissioner within whose area of authority such act or omission has occurred.

* Repealed by this Act.

(4) Any person in consequence of whose act or omission any expenditure was incurred shall be liable to pay such sum as was incurred to the Commissioner, and where such person fails to pay such sum the Commissioner may on his being satisfied after an inquiry at which such person is given the opportunity of being heard that such expenditure was properly incurred, sign a certificate setting out the name of the person in consequence of whose act or omission such expenditure was incurred, the amount thereof, the nature of the act or omission and the name of the officer by whom the expenditure was incurred and cause such certificate to be delivered to such person,

(5) Where any person to whom a certificate referred to in subsection (4) has been delivered fails to pay the amount due from him within ten days from the delivery to him of the certificate, the Commissioner may proceed to recover such amount by filing a certificate in the Magistrate's Court within whose jurisdiction the land in respect of which the amount recoverable lies, to the effect that the sum mentioned in the certificate is due from the person mentioned therein and such sum shall be recovered from such person in like manner as a fine imposed by such court.

(6) For the purposes of subsection (5) a certificate issued under the hand of the Commissioner shall be conclusive proof that the amount referred to therein is due from the person mentioned in the certificate.

(d) wilfully and wrongfully draws off or converts to his own use any such water,

shall be guilty of an offence under this Act.

(2) Every person who without lawful cause resists, or obstructs the Commissioner or any person authorized in that behalf by the Commissioner in the lawful discharge of any duty imposed upon him by this Act shall be guilty of an offence.

PART VII

GENERAL

57. (1) Where a complaint is made to the Commissioner by any owner cultivator or occupier of agricultural land that any person is interfering with or attempting to interfere with the cultivation rights of such owner cultivator or occupier, the Commissioner may, if he is satisfied that such interference or attempted interference will result in damage or loss of crop or livestock, issue an order on such person, cultivator or occupier requiring him to comply with such direction as may be necessary for the protection of such rights and specified in such order: Interference with cultivation rights of owner cultivator or occupier.

Provided, however, that the order issued under subsection (1) shall not prejudice the right, title or interest of such person, cultivator or occupier to such land, crop or livestock in respect of which such order is made.

56. (1) Every person who—

- (a) wilfully and mischievously blocks up, obstructs or encroaches upon or causes to be in any way blocked up, obstructed or encroached upon any channel or watercourse comprised in any minor irrigation work ; or
- (b) wilfully and mischievously cuts the bund, bank, or any part of any minor irrigation work ; or
- (c) wilfully and mischievously causes waste of water conserved by any minor irrigation work ; or

(2) For the purpose of ensuring compliance with the provisions of subsection (1) the Commissioner may seek the assistance of a peace officer within whose area of authority such agricultural land in respect of which such order is made lies, and it shall be the duty of such peace officer to render such assistance and the peace officer may for such purpose use such force as may be necessary to ensure compliance of such order.

(3) An order under subsection (1) shall be binding on the persons in respect of whom it is made until set aside by a Court of competent jurisdiction.

offences and penalties relating to irrigation.

(4) Any person who fails to comply with an order under subsection (1) shall be guilty of an offence under this Act.

development of Agrarian Services Centres. The Commissioner shall be responsible for the administration of the Fund.

Penalties.

58. Every person who is guilty of an offence under this Act or any regulation made thereunder shall on conviction after trial before a Magistrate be liable to imprisonment of either description for a period not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

(4) The accounts of the Fund shall be maintained in such form and shall contain such particulars as the Commissioner may, with the concurrence of the Minister, from time to time specify.

(5) The accounts of the Fund for each financial year shall be audited by the Auditor-General.

No suit to lie against members of Agrarian Services Committee, &c.

59. No suit or prosecution shall lie against any member of an Agrarian Services Committee appointed by or under this Act or against any servant or agent of such Committee for any act which in good faith is done or purported to be done by him under this Act or under any regulations made thereunder.

(6) The financial year of the fund shall be the period of twelve months commencing on the first day of January each year.

61. Where the Minister certifies by Notification published in the Gazette that it is necessary that any agricultural land specified in the Notification should be acquired for any of the purposes of this Act, that land shall, for the purpose of the application of the Land Acquisition Act, be deemed to be required for a public purpose and may be acquired under that Act:

Compulsory acquisition of agricultural land.

Agrarian Services Fund.

60. (1) There shall be established a fund to be known as the Agrarian Services Fund.

- (2) There shall be paid into the Fund—
 - (a) all fines imposed by a court for any offence under this Act;
 - (b) all sums required under this or any other law to be paid into the Fund ;
 - (c) all such sums of money as may be voted from time to time by Parliament to the Fund ;
 - (d) any such sums of money as may be paid into the fund out of the Consolidated Fund;
 - (e) all such sums of money as the Commissioner may from time to time require to be paid into the Fund;
 - (f) all sums of money collected as acreage levy under the provisions of paragraph (b) of subsection (2) of section 46.

Provided that notwithstanding anything to the contrary in that Act the amount of compensation to be paid for the acquisition of that land under that Act shall be equal to the product of the multiplication of the annual rental value of that land computed in the prescribed manner.

62. (1) Except with the written permission of the Commissioner given under such conditions as he may deem necessary no person shall use an extent of paddy land for any purpose other than cultivation in accordance with the provisions of subsection (2).

Purpose for which a paddy land may be used.

- (2) An extent of paddy land may be cultivated—
 - (a) with paddy; or
 - (b) at any time between paddy cultivation season with food crops other than paddy, or with fodder crops; or
 - (c) with any other crop if the cultivation of such crop on such extent is authorized by a permit issued by the

Commissioner in his discretion, upon written application made in that behalf by the cultivator of that extent.

(3) Where an extent of paddy land is cultivated under the provisions of paragraph (A) or paragraph (c) of subsection (2) the rent payable by the cultivator to the landlord shall be such rent as may be prescribed, and the provisions of section 21 shall apply accordingly.

(4) If any extent of paddy land—

(a) is used by any person in contravention of the provisions of subsection (1), or

(b) is cultivated by the cultivator thereof otherwise than in accordance with the provisions of subsection (2),

that person or that cultivator, as the case may be, shall be guilty of an offence, and shall on conviction after trial before a Magistrate be liable to a fine not exceeding five thousand rupees and in default of payment of the fine, to imprisonment of either description for a term not exceeding one month, and where such offence is continued after conviction that person or that cultivator, as the case may be, shall be liable to a fine of fifty rupees for each day in respect of which such offence is continued after conviction.

(5) In any prosecution of a person for an offence under this section, the burden of proving that he had obtained the permission of the Commissioner for doing the act which constitutes the offence shall be on such person.

Hearing of appeals pending before Board of Review under the Agricultural Lands Law, No. 42 of 1973.

63. (1) Where on the date of operation of this Act there is any appeal pending before the Board of Review in terms of the provisions of section 53 of the Agricultural Lands Law, No. 42 of 1973, such appeal shall be heard and concluded by an officer specially appointed for the purpose.

(2) Where an officer appointed under subsection (1), vacates his office by reason of death, resignation, removal from office, absence abroad or illness, there shall be appointed a person to succeed him for the balance period of his term of office.

(3) An officer appointed under the provisions of subsection (1) shall, unless he vacates office, hold office for a period of two years:

Provided that—

(a) an officer appointed in place of an officer who has died, resigned or has been removed from office under subsection (2) shall hold office for the unexpired term of office of the last-mentioned person; and

(b) an officer appointed to act for an officer who is absent abroad or ill, shall hold office for the period of absence or illness of the last-mentioned person.

(4) An officer vacating office by effluxion of time shall be eligible for reappointment.

(5) Every officer so appointed shall in respect of every appeal heard by him keep a record of all such proceedings as relates to that appeal.

(6) An officer may examine any witness on oath or if he thinks fit so to do may summon any person to appear before him or to produce any document which may in his opinion be relevant.

(7) If any person upon whom a summons has been issued—

(a) fails without reasonable cause to appear before such officer at the time and place mentioned in the summons; or

(b) refuses without reasonable cause to be sworn or having been duly sworn, refuses or fails without reasonable cause to answer any question put to him by such officer or wilfully gives a false answer to any such question; or

(c) refuses or fails without reasonable cause to produce before such officer any documents which are in his possession and which he has been required to produce,

such person shall be guilty of an offence under this Act.

(8) An officer may on any appeal made under this section, confirm or vary the determination or decision from which such appeal is made, and the decision of such officer on such appeal shall be final.

Persons authorized to prosecute.

64. In any prosecution for an offence under this Act in addition to the persons empowered to prosecute under the law for the time being in force in respect of criminal procedure, the Commissioner, or any person authorized in that behalf by the Commissioner, shall be entitled to conduct the prosecution.

Commissioner to have powers of a District Court.

65. The Commissioner shall, for the purpose of hearing and deciding any dispute referred to him under this Act, have all the powers of a District Court—

- (a) to summon and compel the attendance of witnesses;
- (b) to compel the production of documents; and
- (c) to administer any oath or affirmation to witnesses.

Regulations.

66. (1) The Minister may make regulations in respect of all matters which are stated or required by this Act to be prescribed or for which regulations are required by this Act to be made.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or upon such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder. Notification of the date on which any

regulation is deemed to be rescinded shall be published in the Gazette.

67. (1) The Agricultural Productivity Law, No. 2 of 1972, and the Agricultural Lands Law, No 42 of 1973, are hereby repealed.

Repeals and savings.

(2) Notwithstanding the repeal of the aforesaid Laws—

- (a) all moneys lying to the credit of the Agricultural Productivity Fund established under section 44 of the Agricultural Productivity Law, No. 2 of 1972, and all moneys lying to the credit of the Food Production Fund established under the provisions of section 14 of the Food Production (Estates) Act shall be transferred to the Agrarian Services Fund established under this Act;
- (b) the assets and liabilities of the Agricultural Productivity Committees established under the Agricultural Productivity Law, No. 2 of 1972, and the Cultivation Committees established under the Agricultural Lands Law, No. 42 of 1973, shall be transferred to the Agrarian Services Committees established under this Act;
- (c) all Agricultural Productivity Committees established under the Agricultural Productivity Law, No. 2 of 1972, shall continue to function until Agrarian Services Committees are constituted under this Act;
- (d) all proceedings under section 14 of the Paddy Lands Act, No. 1 of 1958,* before the Commissioner of Agrarian Services which were pending under the provisions of the Agricultural Lands Law, No. 42 of 1973, before an Agricultural Tribunal on the date prior to the date of commencement of this Act, shall be deemed to be null and void;
- (e) and notwithstanding anything to the contrary in the Prescription Ordinance all claims for damages

* Repealed by Law No. 42 of 1973, which in turn was repealed by this Act.

accruing to tenant cultivators under section 4 (7A) of the Paddy Lands Act, No. 1 of 1958,* and under section 3 (9) of the Agricultural Lands Law, No. 42 of 1973, shall be deemed to be claims accruing to such tenants under the provisions of this Act and shall be recoverable in the manner provided under the corresponding provisions of this Act;

- (f) all proceedings pending before an Agricultural Tribunal under the provisions of the Agricultural Productivity Law, No. 2 of 1972, and the Agricultural Lands Law, No. 42 of 1973, on the date prior to the date of commencement of this Act shall be deemed to be proceedings before the Commissioner under the provisions of this Act and shall accordingly be continued and concluded before such Commissioner under the provisions of this Act;
- (g) all proceedings which have been commenced and concluded before an Agricultural Tribunal under the provisions of the Agricultural Productivity Law, No. 2 of 1972, or the Agricultural Lands Law, No. 42 of 1973, and in respect of which no appeals have been made to the Supreme Court under the provisions of the aforesaid Laws or where appeals have been made and dismissed and where no steps for enforcement of orders made in such proceedings have been taken in the Magistrates' Courts under the provisions of the aforesaid Laws, such proceedings shall be deemed to be proceedings under the provisions of this Act and shall be enforced in accordance with the corresponding provisions of this Act;
- (h) all proceedings before the Magistrates' Courts under section 21 of the Paddy Lands Act, No. 1 of

1958,* which were pending or which had been instituted and withdrawn on any ground whatsoever on a date prior to the date of commencement of the Agricultural Lands Law, No. 42 of 1973, shall be deemed not to have abated or to have been discontinued or in any way prejudicially affected by reason of the repeal of the said Act or Law and accordingly all such proceedings shall be continued and concluded under the corresponding provisions of this Act;

- (i) all proceedings pending in any court under the provisions of the Agricultural Productivity Law, No. 2 of 1972 or the Agricultural Lands Law, No. 42 of 1973, on the date prior to the date of commencement of this Act shall be heard and concluded under the provisions of this Act;
- (j) every regulation made under the Agricultural Productivity Law, No. 2 of 1972, and the Agricultural Lands Law, No. 42 of 1973, and in force on the date prior to the date of commencement of this Act and which is not inconsistent with the provisions of this Act shall be deemed to be a regulation made under this Act and may accordingly be amended, added to or rescinded by regulations made under this Act.

68. In this Act unless the context otherwise requires— Interpretation.

" agriculture " includes—

- (i) the growing of rice, field crops, spices and condiments, industrial crops, vegetables, fruits, flowers, pasture and fodder;
- (ii) dairy farming, livestock rearing and breeding;
- (iii) plant and fruit nurseries ;

* Repealed by Law No. 42 of 1973, which in turn was repealed by this Act.

" agricultural activity " means any activity involving agriculture and includes the use of machinery and equipment used in such activity and any activity involving minor irrigation work;

" agricultural land " means land used or capable of being used for agriculture within the meaning of this Act and shall include private lands, lands alienated under the Land Development Ordinance or the State Lands Ordinance or any other enactment;

" citizen of Sri Lanka " means an individual who is a citizen of Sri Lanka under any law for the time being in force relating to citizenship;

" construction " with reference to any irrigation work includes any improvement or extension of any irrigation work, or the repair or restoration of any abandoned irrigation work, or (subject to the definition of " maintenance " hereinafter contained) any operation for the protection of any irrigation work, or the irrigable area thereunder, or of any part of such work or area;

" cultivator " with reference to an extent of paddy land means any person, other than an Agrarian Services Committee, who by himself or by any member of his family, or jointly with any other person, carries out on such extent:—

(a) two or more of the operations of ploughing, sowing and reaping; and

(b) the operation of tending or watching the crop in each season during which paddy is cultivated on such extent;

" evict " means in relation to a tenant cultivator, to deprive by using direct or indirect methods that tenant cultivator of his right to use,

occupy and cultivate the whole or any part of the extent of paddy land let to him;

" irrigation work " includes—

(a) any tank, bund, anicut, ela, channel, distributory, field channel or watercourse comprised in or incidental or ancillary to the irrigation work;

(b) any structure, road, bridge, sluice, gate or other engineering work comprised in, or incidental or ancillary to the construction or maintenance of the irrigation work;

(c) any structure, bund, sluice or other engineering work erected for the purpose of draining any cultivated area or of preventing or regulating the flow of salt water into or out of any such area or of protecting such area from floods;

" landlord " with reference to an extent of paddy land means the person other than an owner cultivator, who will for the time being be entitled to the rent in respect of such extent if it were let on rent to any person, and includes any tenant of such extent who lets it to any subtenant;

" let " with reference to any extent of paddy land, means to permit any person, under an oral or written agreement, to occupy and use such extent in consideration of the performance of any service by him or the payment of rent consisting of a sum of money or a share of the produce from such extent;

" loan " means any loan, advance or overdraft together with interest thereon;

" maintenance " with reference to any irrigation work includes any operation for the protection of any existing irrigation work or the irrigable area thereunder;

- " member of the family " with reference to any person, means the spouse or a son or daughter of that person and failing such spouse a son or daughter of that person or a parent, brother or sister of that person provided such person is a person whose main occupation is cultivation and whose only source of income is derived from such extent of paddy land ;
- " minor irrigation work " means an irrigation work serving up to two hundred acres of agricultural land ;
- " occupier " shall mean the person for the time being entitled to the use and occupation of agricultural land by virtue of his being the lessee or usufructuary mortgagee and shall include persons in use and occupation of agricultural lands alienated under the Land Development Ordinance, the State Lands Ordinance or any other enactment, and includes a tenant cultivator within the meaning of this Act;
- " owner cultivator " with reference to any extent of paddy land means the person who is the owner or usufructuary mortgagee of such extent and who is the cultivator of the entirety of such extent and in the case of an extent of paddy land which has been alienated under the Land Development Ordinance, the person who derives title to such extent and who is the cultivator of the entirety of such extent shall be deemed to be the owner cultivator of such extent;
- " paddy land " means land which is cultivated with paddy or is prepared for the cultivation of paddy or which, having at any time previously been cultivated with paddy, is suitable for the cultivation of paddy, and includes such other land adjoining or appertaining to it as may be used by the cultivator for a threshing floor or for constructing his dwelling house, but does not include chena land or any land which, with the permission of the Commissioner is used for any purpose other than cultivation in accordance with the provisions of this Act;
- " peace officer " has the same meaning as in the Code of Criminal Procedure Act;
- " prescribed bank " means any bank that may be prescribed;
- " prescribed " means prescribed by this Act or by any regulation made thereunder.
- " the date of commencement of this Act " or " the date of operation of this Act " means the 25th day of September, 1979.