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1st Session 1960-61



Paddy Lands (Amendment) Act, No. 61 of 1961

Date of Assent: June 23, 1961

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Paddy Lands (Amendment) Act, No. 61 of 1961

L. D.—O. 45/59.

AN ACT TO AMEND THE PADDY LANDS ACT,
No. 1 OF 1958.

[Date of Assent : June 23, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Paddy Lands (Amendment) Act, No. 61 of 1961.

Short title.

2. Section 3 of the Paddy Lands Act, No. 1 of 1958 (hereinafter referred to as the "principal Act"), is hereby amended in sub-section (3) of that section by the substitution, in paragraph (b) of that sub-section, for the words "mainly lies", of the words "mainly lies, or the Commissioner".

Amendment of section 3 of the Paddy Lands Act, No. 1 of 1958.

3. Section 4 of the principal Act is hereby amended by the insertion, immediately after sub-section (1) of that section, of the following new sub-section :—

Amendment of section 4 of the principal Act.

"(1A) (a) Where a tenant cultivator of any extent of paddy land notifies the Commissioner that he has been evicted from such extent, the Commissioner may hold an inquiry for the purpose of deciding the question whether or not such person had been evicted.

(b) If at such inquiry it is proved to the satisfaction of the Commissioner that such person 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 of such extent.

(c) The landlord of such extent shall be given an opportunity of being heard in person or through a representative at such inquiry. The Commissioner's decision on such question shall be communicated in writing to such landlord. If such landlord is aggrieved by such decision, he may, within thirty days after the communication of such

decision to him, make a written appeal from such decision to the Board of Review, and the appeal shall state the grounds of appeal. A copy of the appeal shall be transmitted to the Commissioner by such landlord.

(d) Where, in the case referred to in paragraph (a), the Commissioner decides that the eviction had been made and no appeal is made from such decision within the time allowed therefor, or the Board of Review has, on any such appeal, confirmed the decision of the Commissioner, then,—

- (i) the person evicted shall be entitled to have the use and occupation of such extent restored to him, and
- (ii) the Commissioner shall in writing order that every person in occupation of such extent shall vacate it on or before such date as shall be specified in that order, and if such person fails to comply with the order, he shall be evicted from such extent in accordance with the provisions of section 21. ”.

Power of the Commissioner to hold inquiries into evictions of tenant cultivators before the date of commencement of this Act.

4. (1) Where a person who was the tenant cultivator of any extent of paddy land had been evicted from such extent at any time after the date on which the principal Act came into operation in the administrative district in which such extent wholly or mainly lies and before the date of commencement of this Act, the Commissioner may hold an inquiry for the purpose of deciding the question whether the person had been evicted from such extent, and the provisions of paragraph (b), paragraph (c) and paragraph (d) of sub-section (1A) of section 4 of the principal Act shall apply to such inquiry and to the decision of the Commissioner on such question.

(2) Any inquiry held by the Commissioner before the date of commencement of this Act for the purpose of deciding the question whether any person, who was the tenant cultivator of any extent of paddy land on or after the date on which the

principal Act came into operation in the administrative district in which such extent wholly or mainly lies, had been evicted from such extent, shall, notwithstanding that the Commissioner had no power to hold such inquiry, be deemed to have been duly held under the principal Act and any decision of the Commissioner on such question shall be deemed to be valid.

5. Section 29 of the principal Act is hereby amended as follows :—

Amendment of
section 29 of the
principal Act.

- (1) by the insertion, immediately after sub-section (2) of that section, of the following new sub-sections :—

“(2A) Where, at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands held for the purpose of electing the prescribed number of elected members of a Cultivation Committee, the number of persons elected as members of such Committee is less than, but not less than half of, the aforesaid prescribed number, then,—

(a) the Commissioner shall in writing convene a meeting of those so elected for the purpose of electing as members of such Committee, from persons who are qualified to be elected members of such Committee, the number of persons required to complete the aforesaid prescribed number ;

(b) the Commissioner or any officer authorised by the Commissioner in that behalf shall preside at the meeting convened under paragraph (a) of this sub-section ;

(c) if all those elected as members of such Committee are present at the meeting

convened under paragraph (a) of this sub-section, they shall elect as members of such Committee, from persons who are qualified to be elected members of such Committee, the number of persons required to complete the aforesaid prescribed number, and the election shall be so made as to secure that, out of the total number of elected members of such Committee, those who are qualified cultivators of paddy lands are not less than three-fourths of the aforesaid prescribed number and those who are qualified owners of paddy lands are not more than one-fourth of the aforesaid prescribed number ;

(d) if all or any one of those elected as members of such Committee do not or does not attend the meeting convened under paragraph (a) of this sub-section or if all or any one of those required by paragraph (c) of this sub-section to be elected as members of such Committee are not or is not so elected, such Committee consisting of the persons elected at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands held for the purpose of electing the prescribed number of elected members of such

Committee and any persons elected at the meeting convened under paragraph (a) of this sub-section shall, notwithstanding that the number of persons elected as members of such Committee is less than the aforesaid prescribed number and subject to the provisions of section 31C, be deemed to be validly constituted and to consist of the persons so elected and the persons appointed by the Commissioner as members of such Committee under paragraph (b) of sub-section (1).

(2B) Where, at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands held for the purpose of electing the prescribed number of elected members of a Cultivation Committee, either no person is elected as a member of such Committee or the number of persons elected as members of such Committee is less than half of the aforesaid prescribed number, the Commissioner shall, as soon as is practicable, cause meetings of qualified cultivators of paddy lands and qualified owners of paddy lands to be convened once again for the aforesaid purpose.

(2c) Where, at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands convened under sub-section (2B) for the purpose of electing the prescribed number of elected members of a Cultivation Committee, either no person is elected as a member of such Committee or the number of persons elected as members of such Committee is less than half of the aforesaid prescribed number, the

Commissioner shall in writing appoint as members of such Committee, from persons who are qualified to be elected members of such Committee, the number of persons required to constitute or complete the aforesaid prescribed number, and the appointment shall be so made as to secure that, out of the total number of members who are so elected or are appointed under this sub-section, those who are qualified cultivators of paddy lands are not less than three-fourths of the aforesaid prescribed number and those who are qualified owners of paddy lands are not more than one-fourth of the aforesaid prescribed number.

(2D) Where the Commissioner is unable to appoint all or any of the members of a Cultivation Committee who are required to be appointed by him under sub-section (2c) by reason of the unwillingness of all or any of the persons qualified to be elected members of such Committee to serve as members of such Committee, then,—

(i) if the number of members so appointed is not less than half the prescribed number of elected members of such Committee, such Committee shall, notwithstanding that the number of persons so appointed is less than the aforesaid prescribed number and subject to the provisions of section 31c be deemed to be validly constituted ;

(ii) if the number of persons so appointed is less than half the aforesaid prescribed number or if no persons are so appointed,—

(a) the Commissioner shall, by notification published in the *Gazette*, announce his inability to appoint the members of such Committee who are required to be appointed by him under sub-section (2c) ;

(b) it shall be deemed, for the area for which such Committee is required to be constituted, that, during the period of one year commencing on the day immediately following the date of expiry of the current term of office of the members of such Committee, there is no Cultivation Committee ;

(c) the Commissioner or any officer authorised by the Commissioner in that behalf may, during the period mentioned in paragraph (b) of this subsection, exercise or perform all or any of the powers or duties of a Cultivation Committee under this Act in respect of the area referred to in that paragraph ; and

(d) the Commissioner shall, before the expiry of the period

mentioned in paragraph (b) of this sub-section, cause steps to be taken in accordance with the provisions of this section to constitute, with effect from the expiry of that period, a Cultivation Committee for the area referred to in that paragraph.

(2E) A person who is elected as a member of a Cultivation Committee at a meeting convened under paragraph (a) of sub-section (2A) or who is appointed as a member of a Cultivation Committee by the Commissioner under sub-section (2C) shall be deemed to be an elected member of such Committee, and accordingly sub-section (5) shall not apply to him." ; and

(2) in sub-section (3) of that section by the substitution, for the expression "In sub-section (2)—", of the expression "In this Act—".

Amendment
of section 31
of the principal
Act.

6. Section 31 of the principal Act is hereby amended by the substitution for the words "one year" of the words "three years".

Validation of
the constitution,
decisions, deter-
minations,
orders and acts
of Cultivation
Committees
constituted
without
compliance
with sub-
section (1) (a)
or sub-section
(2) of section 29
of the principal
Act.

7. Where, before the commencement of this Act, any Cultivation Committee has been constituted without complying with the provisions of paragraph (a) of sub-section (1) of section 29 of the principal Act or with the provisions of sub-section (2) of that section, then, notwithstanding the failure to comply with such provisions, such Committee shall be deemed to have been and to be duly constituted under the principal Act, and any decision, determination, order or act of such Committee shall not, by reason only of such failure, be deemed to have been or to be invalid.

8. The following new sections are hereby inserted immediately after section 31, and shall have effect as sections 31A, 31B, 31C and 31D, of the principal Act :—

Insertion of
new sections
31A, 31B, 31C
and 31D in the
principal Act.

“ Elected
member of
a Cultivation
Committee may
resign.

31A. A person who is an elected member, or is deemed under section 29 to be an elected member, of a Cultivation Committee may resign from that Committee by letter addressed to that Committee.

Absence of
elected
member from
three
consecutive
meetings of a
Cultivation
Committee
without leave
to be deemed
to be
resignation.

31B. Where a person who is an elected member, or is deemed under section 29 to be an elected member, of a Cultivation Committee is absent from three consecutive meetings of that Committee without leave of that Committee first obtained, he shall, with effect from the day immediately following the date of the last of those three meetings, be deemed to have resigned from that Committee.

Filling of
casual
vacancies
in a
Cultivation
Committee.

31C. Where a member of a Cultivation Committee dies or resigns, then,—

(a) if he is an elected member or is deemed under section 29 to be an elected member, that Committee shall fill the vacancy caused by the death or resignation by electing as a member of that Committee one of the qualified cultivators, or of the qualified owners, of the paddy lands wholly or mainly lying within the local jurisdiction of that Committee according as the member who dies or resigns is a qualified cultivator of paddy lands or a qualified owner of paddy lands ; and

(b) if the member who dies was appointed by the Commissioner under paragraph (b) of sub-section (1) of

section 29, the Commissioner shall fill the vacancy caused by the death by appointing any Government officer as a member of that Committee.

Vacancy in a Cultivation Committee not to invalidate its acts and proceedings.

31D. No act or proceeding of a Cultivation Committee shall be invalidated by reason only of the existence of any vacancy among its members."

Amendment of section 63 of the Principal Act.

9. Section 63 of the principal Act is hereby amended as follows :—

- (1) in the definition of "cultivator", by the substitution, for all the words from "carries out on such extent" to the end of that definition, of the following :—

"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"; and

- (2) by the insertion, immediately after the definition of "Commissioner", of the following new definition :—

"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 ;".

10. The amendment effected to section 31 of the principal Act by section 6 of this Act shall be deemed to apply to every member of a Cultivation Committee who is holding office on the date of commencement of this Act and accordingly the term of office of every such member shall, subject to the provisions of the aforesaid section 31, be three years from the date of election of such member.

Application of
Amendment
effected to the
principal Act
by section 6 of
this Act to
persons holding
office as
members of
Cultivation
Committees
on the date of
commencement
of this Act.