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2nd Session 1957-58



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Paddy Lands Act, No. 1 of 1958

Date of Assent : February 1, 1958

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AN ACT TO PROVIDE SECURITY OF TENURE TO TENANT CULTIVATORS OF PADDY LANDS; TO SPECIFY THE RENT PAYABLE BY TENANT CULTIVATORS TO LANDLORDS; TO ENABLE THE WAGES OF AGRICULTURAL LABOURERS TO BE FIXED BY CULTIVATION COMMITTEES AND AGRICULTURAL LABOURERS TO BE APPOINTED AS TENANT CULTIVATORS AND COLLECTIVE FARMERS; TO PROVIDE FOR THE CONSOLIDATION OF HOLDINGS OF PADDY LANDS, THE ESTABLISHMENT OF COLLECTIVE FARMS FOR PADDY CULTIVATION, AND THE REGULATION OF THE INTEREST ON LOANS TO PADDY CULTIVATORS AND THE CHARGES MADE FOR THE HIRE BY PADDY CULTIVATORS OF IMPLEMENTS AND BUFFALOES; TO MAKE PROVISION FOR THE ESTABLISHMENT OF CULTIVATION COMMITTEES; TO SPECIFY THE POWERS AND DUTIES OF SUCH COMMITTEES; TO CONFER AND IMPOSE CERTAIN POWERS AND DUTIES ON THE COMMISSIONER OF AGRARIAN SERVICES; TO ABOLISH THE LIABILITY OF PROPRIETORS WITHIN THE MEANING OF THE IRRIGATION ORDINANCE, NO. 32 OF 1946, TO PAY REMUNERATION TO IRRIGATION HEADMEN; TO CONTROL THE ALIENATION OF PADDY LANDS TO PERSONS WHO ARE NOT CITIZENS OF CEYLON; TO REPEAL THE PADDY LANDS ACT, NO. 1 OF 1953; AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE MATTERS AFORESAID.

[Date of Assent: February 1, 1958]

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 Act, No. 1 of 1958. Short title.

2. (1) The provisions of section 1, this section, sub-sections (5), (6), (7), (8) and (9) of section 4, section 21, section 59, section 60, section 61 and section 63 shall come into operation on the date of enactment of this Act, and the other provisions of this Act shall come into operation in each Administrative District on such date as may be appointed by the Minister by Order published in the *Gazette*. Different dates may be appointed under this sub-section for different Administrative Districts. Operation of this Act.

(2) Where the provisions of this Act that come into operation on a date appointed under sub-section (1) are not brought into operation on one date in all the

Administrative Districts, the Minister shall so exercise his powers under that sub-section as to cause those provisions to come into operation throughout Ceylon within five years after the earliest of the dates appointed under that sub-section.

PART I

TENANT CULTIVATORS AND AGRICULTURAL LABOURERS

Circumstances
in which
tenant of
paddy land
is regarded
as its tenant
cultivator,
and provision
in regard to
certain
evicted
tenants of
paddy lands.

3. (1) Where any person is the cultivator of any extent of paddy land let to him under any oral or written agreement made before or after the coming into operation of this Act in the Administrative District in which that extent wholly or mainly lies, then, if he is a citizen of Ceylon, he shall, subject to the provisions of this Act, be the tenant cultivator of that extent.

(2) Where any person, who is a tenant cultivator of any extent of paddy land under sub-section (1) or who is an agricultural labourer of any extent of paddy land in respect of which there is no owner cultivator, has entered into occupation of such extent immediately after any other person, who is a citizen of Ceylon and who was a tenant and a cultivator of such extent, has, at any time after April 12, 1956, and before the coming into operation of this Act in the Administrative District in which such extent wholly or mainly lies, been evicted from such extent otherwise than by an order of a court, the Commissioner may hold an inquiry for the purpose of deciding the question whether or not the landlord of such extent had made such eviction *bona fide* for any such cause as may be prescribed, and such landlord 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.

(3) Where, in the case referred to in sub-section (2), the Commissioner decides that the eviction had not been made *bona fide* for any such cause as may be prescribed 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,—

- (a) the person evicted shall be entitled to have the occupation and use of the extent of paddy land referred to in sub-section (2) for cultivation in accordance with the provisions of this Act restored to him;
- (b) the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies shall in writing order the person mentioned first in sub-section (2) that he and all other persons in occupation of such extent shall vacate it on or before such date as shall be specified in the order, and if he and such other persons fail to comply with the order, they shall be evicted from such extent in accordance with the provisions of section 21; and
- (c) the person mentioned in paragraph (a) of this sub-section shall, subject to the provisions of this Act, be the tenant cultivator of such extent from the date on which the person mentioned first in sub-section (2) and all other persons in occupation of such extent vacate it or are evicted therefrom.

4. (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 by or at the instance of the landlord notwithstanding anything to the contrary in any oral or written agreement by which such extent has been let to the tenant cultivator, and the landlord shall not interfere in the occupation and use of such extent by the tenant cultivator or 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.

(2) Where a person (hereafter in this sub-section referred to as the lessor) lets any extent of paddy land to any other person (hereafter in this sub-section 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 sub-section referred to as the sub-tenant) and the sub-tenant becomes the tenant cultivator of such extent by

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

reason of his being the cultivator thereof, the sub-tenant's rights 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.

(3) 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 otherwise, the assignment or disposal otherwise, or the devolution under the law of inheritance of the right, title and interest of the landlord of such extent.

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

(5) Where the provisions of this Act that come into operation on a date appointed under sub-section (1) of section 2 are not brought into operation in any Administrative District, the landlord of any extent of paddy land which wholly or mainly lies within that Administrative District shall not, except with the written sanction of the Commissioner granted on his being satisfied that the eviction is to be made *bona fide* for any such cause as may be prescribed, evict from that extent any person who would be the tenant cultivator of that extent if those provisions were in operation in that Administrative District.

(6) Where any extent of paddy land wholly or mainly lies in an Administrative District in which the provisions of this Act that come into operation on a date appointed under sub-section (1) of section 2 have not been brought into operation and the person occupying and using such extent has entered into occupation thereof immediately after any other person who is a citizen of Ceylon and who was a tenant and a cultivator of such extent was evicted therefrom at any time after April 12, 1956, otherwise than by an order of a court, the Commissioner may hold an inquiry for the purpose of deciding the question whether such other person was evicted by his landlord from such extent *bona fide* for any such cause as may be prescribed, and such landlord 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.

(7) Where, in the case referred to in sub-section (6), the Commissioner decides that the eviction had not been made *bona fide* for any such cause as may be prescribed 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,—

- (a) the person evicted shall be entitled to have the occupation and use of the extent of paddy land referred to in sub-section (6) restored to him;
- (b) the Commissioner shall in writing order the person mentioned first in sub-section (6) that he and all other persons in occupation of such extent shall vacate it on or before such date as shall be specified in the order, and if he and such other persons fail to comply with the order, they shall be evicted from such extent in accordance with the provisions of section 21; and
- (c) after the occupation and use of such extent are restored to the person mentioned in paragraph (a) of this sub-section, he shall be deemed to be the tenant of such extent and shall be liable to pay his landlord the same rent as he was liable to pay under his earlier tenancy of such extent, and his landlord shall not, except with the written sanction of the Commissioner granted when the Commissioner is satisfied that the eviction is to be made *bona fide* for any such cause as may be prescribed, evict him from such extent during the period when the provisions of this Act that come into operation on a date appointed under sub-section (1) of section 2 have not been brought into operation in the Administrative District in which such extent wholly or mainly lies.

(8) The decision of the Commissioner whether or not to grant the sanction referred to in sub-section (5) shall be communicated by him in writing to the person applying for such sanction. If such person 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.

(9) If a landlord contravenes the provisions of sub-section (1), sub-section (5), or paragraph (c) of sub-section (7), he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, and, in default of payment of a fine, to imprisonment of either description for a term not exceeding one month.

**Obligations
of tenant
cultivator.**

5. A tenant cultivator of any extent of paddy land shall pay to the landlord of such extent rent in accordance with the provisions of this Act in respect of such extent, and shall pay any sum due in respect of such extent under the Irrigation Ordinance, No. 32 of 1946, and any charge imposed under this Act on the cultivator of such extent by the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies.

**Nomination of
successor to
tenant culti-
vator's
rights.**

6. (1) A tenant cultivator of any extent of paddy land may nominate a citizen of Ceylon 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—

(a) in a document substantially in the prescribed form executed and witnessed in duplicate before a Government Agent, a Divisional Revenue Officer, a Registrar of Lands, a Notary or a Justice of the Peace, or

(b) by the last will of such tenant cultivator.

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

(5) A document specified in sub-section (3) (a) shall not be deemed to be an instrument affecting land for the purposes 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 sub-section (3) (a) shall not be valid unless and until it has been registered by the Registrar of Lands of the district in which the paddy land to which that document refers is situated.

(7) After the registration of a document specified in sub-section (3) (a) 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 sub-section 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 sub-section (3) (a) and for all matters connected therewith or incidental thereto, 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 him for the purposes of sub-section (6).

7. (1) Where a tenant cultivator of any extent of paddy land dies and he has not nominated a successor under section 6 or the successor nominated by him under that section is dead, his rights under this Act in respect of such extent shall, subject to the provisions of sub-section (2), devolve on the surviving spouse of such tenant cultivator and, failing such spouse, on one only of the relatives of such tenant cultivator in the order in which they are mentioned in the Schedule to this Act, the oldest being preferred to the others where there are more relatives than two in any group, and the older being preferred to the other where there are only two relatives in any group. In this sub-section, "relative" means a relative by blood and not by marriage.

Devolution
of rights of
tenant
cultivator in
the absence of
nomination of
successor or
where such
successor does
not survive
such tenant
cultivator.

(2) Where the person on whom the rights of a deceased tenant cultivator of any extent of paddy land devolve under sub-section (1) is not accustomed

to cultivate paddy, the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies shall select such one of the relatives of the deceased in the order in which they are mentioned in the Schedule to this Act as is so accustomed and shall appoint the person so selected as the successor to such rights, and thereupon such rights shall be deemed to devolve on the person so appointed and not on the first-mentioned person.

(3) Where a person is appointed under sub-section (2) as the successor to the rights of a deceased tenant cultivator of any extent of paddy land and consequently such rights do not devolve on the surviving spouse of the deceased, the successor so appointed shall pay such spouse an amount, in money or kind, equivalent in value to one quarter of the gross average annual income (excluding rent) from such extent computed for the three years immediately preceding the date of death of the deceased. Such amount and the manner of its payment shall be determined by the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies.

*Transfer of
the rights of
a tenant
cultivator.*

8. A tenant cultivator of any extent of paddy land, after giving written notice thereof to the landlord of such extent, may—

(a) transfer, by sale, his rights in respect of such extent to the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies and not to any other person, or

(b) transfer, by gift or otherwise than by sale or gift, such rights to any person who is a citizen of Ceylon or to such Cultivation Committee and not to any other person.

Where there is a registered nomination of a successor made by such tenant cultivator under section 6 in respect of such extent, a transfer of such rights under this section shall not be valid unless and until such nomination is duly cancelled and such cancellation is duly registered.

*Effect of
transfer
of rights
of tenant
cultivator.*

9. 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.

10. Where a tenant cultivator of any extent of paddy land dies and there is no spouse, relative or nominated successor to inherit the deceased's rights under this Act in respect of such extent in accordance with the provisions of this Act, such rights shall vest in the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies.

Circumstances
in which rights
of a tenant
cultivator vest
in a Cultivation
Committee.

11. (1) Where the rights of a tenant cultivator of any extent of paddy land are transferred under section 8 to the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies, such Committee shall in writing notify such transfer to the landlord of such extent, and shall, after giving written notice thereof to such landlord, transfer such rights to a suitable person, preferably a person resident within the local jurisdiction of such Committee.

Action to be
taken by
Cultivation
Committee
when rights
of a tenant
cultivator are
transferred to,
or vest in, such
Committee.

(2) Where the rights of a tenant cultivator of any extent of paddy land vest under section 10 in the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies, such Committee shall in writing notify the vesting to the landlord of such extent, and—

(a) if such landlord gives written notice to such Committee within thirty days after the vesting is notified to him by such Committee that he desires to be the owner cultivator of such area of that extent as may be determined by such Committee, such Committee shall in writing permit such landlord to be the owner cultivator of such area of that extent as shall not exceed five acres; and

(b) if such landlord does not give such notice within the time allowed therefor, such Committee shall transfer such rights to a suitable person, preferably a person resident within the local jurisdiction of such Committee.

12. Where the rights of a tenant cultivator of any extent of paddy land are transferred to, or vest in, a Cultivation Committee, such Committee shall, subject to the provisions of this Act, be a tenant cultivator of such extent during the period of retention of such rights by such Committee and shall pay, during such period, rent in accordance with the provisions of this Act in respect of such extent to its landlord.

Effect of
retention
by Cultivation
Committee of
rights of
tenant cultivator
transferred to,
or vested in,
such Committee.

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.

How tenancy of any extent of paddy land may be terminated where the landlord desires to be its owner cultivator, and how a landlord of any extent of paddy land to whom the right to occupy and use that extent is restored may lose such right.

13. (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 sub-section (1), the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies shall in writing order such person that he shall 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 21.

14. (1) The landlord of any extent of paddy land in respect of which there is a tenant cultivator may, within five years after the coming into operation of this Act in the Administrative District in which that extent wholly or mainly lies, give written notice to the Cultivation Committee within whose local jurisdiction that extent wholly or mainly lies that he desires to be the owner cultivator of such area of that extent as may be approved by the Commissioner and that the occupation and use of the area so approved should be restored to him:

Provided that, if such landlord is a minor on the date on which this Act comes into operation in such Administrative District, he may give such written notice within six months after he attains majority.

(2) A Cultivation Committee shall, upon receipt of a notice under sub-section (1), transmit it to the Commissioner.

(3) The Commissioner shall, in accordance with such regulations as may be made in that behalf, determine the area which is to be the approved area for the purpose of each notice under sub-section (1) and shall in writing communicate his determination to the landlord by whom the notice was given and to the Cultivation Committee by which the notice was transmitted to the Commissioner. The approved area shall not exceed five acres.

(4) A Cultivation Committee shall, after the determination of the Commissioner under sub-section (3) is communicated to such Committee, in writing order the tenant cultivator who is affected by such determination that he shall, on the expiry of two years after the date of such order and, if any compensation

under this section is payable to him, after such compensation is paid to him, vacate such area of paddy land as shall be specified in such order (such area being the area specified in such determination). If such tenant cultivator fails to comply with such order, he shall be evicted from such area in accordance with the provisions of section 21:

Provided that where such Committee is the tenant cultivator affected by such determination, no order under the preceding provisions of this sub-section shall be made and such Committee shall, on the expiry of two years after the communication of such determination to such Committee and, if any compensation under this section is payable to such Committee, after such compensation is paid to such Committee, vacate such area.

(5) A tenant cultivator affected by a determination under sub-section (3) may—

(a) where such tenant cultivator is not a Cultivation Committee, prefer in writing to the Cultivation Committee by which an order under sub-section (4) is served on him, and

(b) where such tenant cultivator is a Cultivation Committee, prefer in writing to the Commissioner,

a claim to compensation for any improvements effected by the claimant on the area to which such determination relates. The Cultivation Committee to which or the Commissioner to whom such claim is preferred shall in writing notify the claim to the landlord of such area and shall, in accordance with such regulations as may be made in that behalf, determine whether the claimant is entitled to any compensation and, if the claimant is so entitled, the amount of the compensation, and shall notify the determination in writing to the claimant and such landlord.

(6) Where a landlord or a claimant to compensation is aggrieved by the determination in regard to compensation under sub-section (5), he may, within thirty days after the notification of such determination, make a written appeal from such determination to the Board of Review and the appeal shall state the grounds of appeal.

(7) Where it is proved to the satisfaction of the Commissioner that the person who has become the owner cultivator of any extent of paddy land after its occupation and use were restored to him in accordance

with the preceding provisions of this section has not cultivated such extent during any paddy cultivation season, the Commissioner shall in writing order that, on such date as shall be specified in the order, such person shall cease to be such owner cultivator and shall revert to the position of landlord of such extent and he and all other persons in occupation of such extent shall vacate it. If such landlord and such other persons fail to comply with such order, they shall be evicted from such extent in accordance with the provisions of section 21.

(8) Where the landlord of any extent of paddy land and all other persons in occupation thereof vacate such extent in compliance with an order of the Commissioner under sub-section (7) or are evicted from such extent for not complying with such order, the Commissioner shall, after giving written notice thereof to such landlord, in writing appoint as the tenant cultivator of such extent, with effect from the date of such vacation or eviction, the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies. Such Committee shall, upon being so appointed, be the tenant cultivator of such extent, and shall, after giving written notice thereof to such landlord, transfer its rights as such tenant cultivator to the person who was the tenant cultivator of such extent immediately before the occupation and use of such extent were restored to its landlord in accordance with the preceding provisions of this section, or, failing such person, to any other suitable person, preferably a person resident within the local jurisdiction of such Committee.

Power of
Cultivation
Committee
to appoint
tenant culti-
vator.

15. (1) Where there is no tenant cultivator in respect of any extent of paddy land and such extent is not cultivated during any paddy cultivation season, the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies may, with the written sanction of the Commissioner and after giving written notice thereof to the landlord of such extent, appoint itself or any suitable person, preferably a person resident within the local jurisdiction of such Committee, to be the tenant cultivator of such extent, and, upon such appointment, the appointee shall, subject to the provisions of this Act, be the tenant cultivator of such extent.

(2) The Commissioner shall not sanction the appointment of a tenant cultivator in respect of such extent of paddy land as is referred to in sub-section

(1) if he is satisfied that the owner of that extent cultivated it with the assistance of hired labourers before April 12, 1956, and that a reasonable standard of efficient production as respects both the quantity and the quality of the produce from that extent is maintained in respect of that extent by its owner.

16. (1) Where on the date of the coming into operation of this Act in any Administrative District any agricultural labourer or agricultural labourers, other than any agricultural labourer referred to in sub-section (2) of section 3, is a cultivator or are cultivators of any extent of paddy land which wholly or mainly lies in that Administrative District and there is no person who is under this Act an owner cultivator or a tenant cultivator of that extent, the Cultivation Committee within whose local jurisdiction that extent wholly or mainly lies may, with the written sanction of the Commissioner and after giving written notice thereof to the landlord of that extent, appoint in writing such agricultural labourer to be the tenant cultivator of that extent or appoint each of such agricultural labourers to be the tenant cultivator of such portion of that extent as shall be determined by such Committee.

Power of Cultivation Committee to appoint agricultural labourers to be tenant cultivators.

(2) The Commissioner—

(a) shall not sanction the appointment of an agricultural labourer as the tenant cultivator of such extent of paddy land as is referred to in sub-section (1) or as the tenant cultivator of any portion of that extent if the Commissioner is satisfied that the owner of that extent cultivated it with the assistance of hired labourers before April 12, 1956, and that a reasonable standard of efficient production as respects both the quantity and the quality of the produce from that extent is maintained in respect of that extent by its owner, and

(b) shall not sanction the appointment of each of several agricultural labourers to be the tenant cultivator of such portion of that extent as may be determined by the Cultivation Committee within whose local jurisdiction that extent wholly or mainly lies, if the Commissioner considers that it is not in the interest of cultivation to divide that extent into plots.

(3) Where a Cultivation Committee appoints an agricultural labourer to be a tenant cultivator of any extent of paddy land under sub-section (1), he shall, subject to the provisions of this Act, be such tenant cultivator.

**Wages of
agricultural
labourers.**

17. Any person who employs an agricultural labourer shall pay such labourer wages at the appropriate rate out of the rates of wages fixed for agricultural labourers by the Cultivation Committee within whose local jurisdiction the place of employment of such labourer is wholly or mainly situated.

**Tenant
cultivator
to maintain
reasonable
standard
of efficient
production.**

18. A tenant cultivator of any extent of paddy land shall maintain in respect thereof a reasonable standard of efficient production as respects both the quantity and the quality of the produce from such extent while keeping such extent in a condition to enable such a standard to be maintained in the future.

**Supervision
Order.**

19. (1) Where the Commissioner is not satisfied that a tenant cultivator of any extent of paddy land is complying with the provisions of section 18 in respect of such extent, the Commissioner, after giving the tenant cultivator an opportunity of making representations to the Commissioner, whether in writing or on being heard by a person appointed by the Commissioner, may by order (hereinafter referred to as a Supervision Order) place the tenant cultivator under the Commissioner's supervision so far as relates to the cultivation of such extent.

(2) The Commissioner shall cause every Supervision Order to be served on the person to whom it relates.

(3) While a Supervision Order is in force—

(a) any person authorised by the Commissioner in that behalf may, at all reasonable times, enter upon the extent of paddy land to which the Supervision Order relates for the purpose of inspecting the manner in which it is being cultivated, and

(b) the Commissioner may, by notice in writing, give directions to secure that the tenant cultivator of such extent complies with the provisions of section 18 in respect of such extent.

(4) A Supervision Order shall be revoked by the Commissioner if he is satisfied that it is no longer necessary by reason of the fact that the tenant cultivator of the extent of paddy land to which such Order relates is complying with the provisions of section 18 in respect of such extent.

(5) The Commissioner shall cause notice of the revocation of a Supervision Order to be given in writing to the person to whom such Order relates.

20. (1) If while a Supervision Order is in force the Commissioner is satisfied that the cultivation of the extent of paddy land to which the Supervision Order relates does not show satisfactory improvement, he may, subject to the other provisions of this section, order that the tenant cultivator of such extent and all other persons in occupation thereof shall, not earlier than three months after the making of the order under this sub-section, vacate such extent or any part of it specified by the Commissioner.

Eviction of
tenant cultivator
in respect of
whom a Super-
vision Order is
in force if culti-
vation is un-
satisfactory.

(2) The Commissioner shall cause an order made by him under sub-section (1) to be served on the tenant cultivator to whom the order relates.

(3) A tenant cultivator in respect of whom an order under sub-section (1) is made may, within two weeks after the communication of the order to him, make a written appeal from the order to the Board of Review.

(4) No order under sub-section (1) shall be made without giving an opportunity to the tenant cultivator concerned to show cause why the order should not be made.

(5) No order under sub-section (1) shall be made in respect of any extent of paddy land until the expiry of at least twelve months after the coming into operation of a Supervision Order relating to such extent.

(6) Where a Supervision Order is in force in respect of any extent of paddy land, the landlord of such extent or the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies may apply in writing to the Commissioner for an order under sub-section (1) relating to such extent or any part thereof.

(7) If a tenant cultivator of any extent of paddy land fails to comply with an order under sub-section (1) relating to such extent, he and all other persons in occupation of such extent shall be evicted therefrom in accordance with the provisions of section 21.

(8) Any person who is dispossessed of any extent of paddy land by virtue of an order under sub-section (1) shall not be entitled to any compensation for such dispossession.

(9) Where a tenant cultivator of any extent of paddy land and all other persons in occupation thereof vacate such extent in compliance with an order under sub-section (1) or are evicted from such extent for not complying with such order, the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies shall, subject to the provisions of this Act, be the tenant cultivator of such extent, and shall in writing notify to the landlord of such extent that such Committee has become the tenant cultivator of such extent. Such Committee shall,—

(a) if such landlord, within thirty days after such notification is sent to him by such Committee, gives such Committee written notice of his desire to be the owner cultivator of such area of that extent as may be determined by such Committee, permit such landlord to be the owner cultivator of such area of that extent as shall not exceed five acres; and

(b) if no such notice is given by such landlord within the time allowed therefor, transfer the rights of such Committee as the tenant cultivator of such extent to a suitable person, preferably a person resident within the local jurisdiction of such Committee.

Procedure
in eviction.

21. (1) Where any person who has been ordered under this Act by a Cultivation Committee or the Commissioner to vacate any extent of paddy land fails to comply with such order, such Committee or the Commissioner or any person authorised in that behalf by such Committee or the Commissioner may present to the Magistrate's Court within whose local jurisdiction such extent wholly or mainly lies a written report specifying the nature of such order and the person to whom it was issued, describing the extent of paddy land to which such order relates, stating that such person has failed as required by such order to vacate such extent, praying for an order to evict such person from such extent, and mentioning the person to whom delivery of possession of such extent should be made.

(2) Upon receipt of a written report presented to a Magistrate's Court under sub-section (1), such Court—

- (a) shall issue summons to the person named in such report to appear and show cause on a date specified in the summons why he should not be evicted from the extent of paddy land mentioned in such report;
- (b) may order that, until the question whether such person should be evicted from such extent is finally determined according to law, such person and all other persons in occupation of such extent shall vacate such extent and the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies shall be entitled to occupy and use such extent as if such Committee were the tenant cultivator of such extent and shall be liable to pay rent in accordance with the provisions of this Act to the landlord of such extent in respect of the period of occupation and use of such extent by such Committee; and
- (c) where an order under paragraph (b) of this sub-section is made, direct the Fiscal or a peace officer—
 - (i) to evict from such extent all persons who are required by such order to vacate such extent, and
 - (ii) to deliver possession of such extent to any person authorised in writing by the Chairman of such Committee to take possession of such extent for and on behalf of such Committee.

(3) Where a person to whom summons is issued under sub-section (2) fails to appear on the date specified in the summons, or appears and informs the court that he has no cause to show against an order of eviction, the court shall issue an order directing such person and all other persons in occupation of the extent of paddy land specified in the order to be evicted forthwith from such extent.

(4) Where a person to whom summons is issued under sub-section (2) appears on the date specified in the summons and states that he has cause to show against the issue of an order of eviction, the court may proceed forthwith to hear and determine the matter or may set the case down for inquiry on some future date.

(5) If after inquiry the court is not satisfied that the person showing cause is entitled to occupy the extent of paddy land mentioned in the written report upon which summons to such person was issued, the court shall make order directing such person and all other persons in occupation of such extent to be evicted forthwith from such extent.

(6) Any person aggrieved by an order made by a Magistrate's Court under sub-section (5) may appeal therefrom to the Supreme Court and the provisions of Chapter XXX of the Criminal Procedure Code shall apply accordingly as if the appeal were preferred against a final order of a Magistrate's Court in respect of which an appeal lies to the Supreme Court under that Chapter of that Code.

(7) If no appeal has been preferred against an order of eviction made by a Magistrate's Court under sub-section (5) within the time allowed for such an appeal, or, if an appeal has been preferred, after the final decision of the Supreme Court affirming the order of eviction has been duly certified to the Magistrate's Court, the Magistrate's Court shall, on the application of the person by whom the written report under sub-section (1) was presented, direct the Fiscal or a peace officer to evict from the extent of paddy land to which the order of eviction relates all persons bound by the order of eviction and 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.

(8) The Fiscal or the 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.

(9) In executing an order of eviction, the Fiscal or the peace officer or any person authorised by any of them may use such force as may be necessary to enter the extent of paddy land to which the order relates and to 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.

(10) Where, in pursuance of an order of a Magistrate's Court under sub-section (2), a landlord or a tenant cultivator of any extent of paddy land vacates

or is evicted from such extent and a Cultivation Committee takes possession of such extent, then, if it is finally determined according to law that such landlord or tenant cultivator shall not be evicted from such extent, such Committee shall vacate such extent and shall pay to such landlord or tenant cultivator such sum as shall be determined by the Commissioner to be equivalent to the net income of such Committee from such extent during the period in which such Committee had the occupation and use of such extent.

PART II

RENT PAYABLE BY TENANT CULTIVATORS

22. (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.

(2) A determination under sub-section (1) shall specify a 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 paddy from that extent, whichever is less, as the rent payable for that extent for each paddy cultivation season.

(3) The rent determined under sub-section (1) may vary in respect of different Administrative Districts or of different parts of an Administrative District.

(4) A landlord or tenant cultivator aggrieved by a determination under sub-section (1) may, within thirty days after the publication of such determination in the *Gazette*, make a written appeal from such determination to the Board of Review, and the appeal shall state the grounds of appeal.

(5) A determination under sub-section (1) shall not cease to be operative either during the period within which an appeal therefrom may be made to the Board of Review or during the pendency of any such appeal.

(6) Where the Board of Review varies on appeal a determination under sub-section (1), that determination as so varied shall be published in the *Gazette* and shall come into force from the next cultivation season and shall continue to have effect until it is superseded by a fresh determination under sub-section (1).

Rent to be
determined
by the
Commissioner
subject to
a right of
appeal to the
Board of
Review.

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

(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 or the tenant cultivator desires to pay the rent in money, the equivalent in money of the rent payable in paddy under paragraph (a) of this sub-section computed at the price fixed for the time being for paddy of the same description as the paddy from that extent by the Commissioner by notification published in the *Gazette* for the purposes of the Guaranteed Price Scheme.

(8) Where the Cultivation Committee within whose local jurisdiction any extent of paddy land wholly or mainly lies is satisfied that the tenant cultivator of such extent has wilfully neglected the cultivation of such extent during any paddy cultivation season, such Committee may order that the rent for such season payable in paddy under paragraph (a) of sub-section (7) in respect of such extent shall be computed on a basis other than the actually cultivated area of such extent, and, if such Committee so orders, the rent for such season payable in paddy in respect of such extent shall be computed on the basis specified by such Committee and according to the rent in paddy so computed the rent in money shall be computed.

(9) 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 Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies.

When rent is
not payable.

23. 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.

24. The rent for any paddy cultivation season in respect of any extent of paddy land shall be paid on or before the thirtieth day after the 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.

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

25. (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 authorised agent either directly or through the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies.

To whom rent
is payable.

(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 Cultivation 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, or such rent computed in money in accordance with the provisions of paragraph (b) of sub-section (7) of section 22 shall be paid to the District Court or Court of Requests within whose local jurisdiction such extent wholly or mainly lies, according as the amount of the rent exceeds or does not exceed three hundred rupees, to be drawn by the person or persons entitled thereto.

(3) Where a Cultivation Committee is empowered by any provision of this Act to deduct any sum due from the landlord of any extent of paddy land from the rent payable by a tenant cultivator of such extent to such landlord, such tenant cultivator shall, upon being and so long as he is ordered in writing by such Committee to do so, pay the rent to such Committee, and such Committee shall deduct such sum from the rent in such manner as such Committee shall determine and pay the balance of the rent, if any, to such landlord and shall furnish him with a detailed statement of the deductions made from the rent.

**Receipt to
be given
for payment of
rent.**

26. 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.

**Interest to be
paid on rent in
arrear.**

27. 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 paragraph (b) of sub-section (7) of section 22 shall bear simple interest at the prescribed rate.

**Produce of
paddy land
deemed to be
mortgaged for
arrears of rent
and interest
thereon, and
tenant cultivator
not to be evicted
for non-payment
of arrears of
rent and interest
thereon.**

28. (1) Where the rent in respect of any extent of paddy land is in arrear, all the produce from such extent shall be deemed to be mortgaged to the landlord of such extent till the amount of the rent in arrear and the interest due thereon are paid. Upon written application made in that behalf by the landlord of such extent to the Commissioner and upon the Commissioner being satisfied that the amount claimed by such landlord is due to him from the tenant cultivator of such extent, such mortgage may, notwithstanding anything to the contrary in any other law, be enforced by means of a warrant issued by the Commissioner for the seizure and sale of such produce (whether such produce is on such extent or has been removed therefrom) and the payment to the landlord of the amount due to him out of the proceeds of the sale. The cost of seizure and sale of such produce shall also be deducted from the proceeds of the sale. The balance of the proceeds of sale left after paying the amount due to the landlord and defraying the cost of seizure and sale shall be paid to the tenant cultivator.

(2) A warrant issued under sub-section (1) may direct any person mentioned therein to execute it. The person executing such warrant shall be deemed to be a public servant within the meaning and for the purposes of the Penal Code, and he or any person

authorised by him may use such force as may be necessary to enter any place for the purpose of executing such warrant.

(3) The person executing a warrant issued under sub-section (1) shall comply with the directions of the Commissioner and make a return to the Commissioner of the manner in which such warrant was executed.

(4) The sale of any produce seized in execution of a warrant issued under sub-section (1) shall be in such manner as may be determined by the Commissioner.

(5) The right of a landlord to obtain a warrant from the Commissioner for the seizure and sale of the produce deemed under sub-section (1) to be mortgaged to the landlord for the payment of the amount due to the landlord as rent in arrear and interest thereon shall not be in derogation of the right of the landlord to recover such amount by any other legal proceedings.

(6) A tenant cultivator of any extent of paddy land shall not be evicted from such extent for not paying any arrears of rent and the interest thereon notwithstanding anything to the contrary in any agreement between him and his landlord or in any other law.

PART III

CULTIVATION COMMITTEES

29. (1) There shall be a Cultivation Committee for each area determined by the Commissioner consisting of—

- (a) the prescribed number of elected members; and
- (b) any Government officer or officers appointed by the Commissioner to be a member or members of such Committee.

A Cultivation Committee for each area determined by the Commissioner.

(2) Of the prescribed number of elected members of a Cultivation Committee—

- (a) not less than three-fourths shall be elected by the qualified cultivators of paddy lands wholly or mainly lying within the local jurisdiction of that Committee from among themselves, and
- (b) not more than one-fourth shall be elected by the qualified owners of paddy lands wholly or mainly lying within the local jurisdiction of that Committee from those among themselves who are eligible owners.

(3) In sub-section (2)—

“ eligible owners ” mean such qualified owners as have been resident within the local jurisdiction of the Cultivation Committee concerned for a continuous period of six months in the twelve months immediately prior to the first day of September immediately preceding the date of commencement of the preparation or revision of the register of eligible owners;

“ qualified cultivators ” mean owner cultivators, tenant cultivators, collective farmers, or agricultural labourers, who are citizens of Ceylon; and

“ qualified owners ” mean owners who are not owner cultivators and who are citizens of Ceylon.

(4) When a Cultivation Committee is constituted the Commissioner shall assign to it a name.

(5) Any member of a Cultivation Committee who is appointed by the Commissioner shall not have the right to vote, but shall have the right to speak, at any meeting of such Committee.

Register of
owners of
paddy lands
who are
eligible
owners

30. (1) Every Cultivation Committee shall prepare, revise and maintain, in accordance with such regulations as may be made in that behalf under this Act, a register of such owners of paddy lands wholly or mainly lying within the local jurisdiction of that Committee as are eligible owners:

Provided that the first register of such eligible owners shall be prepared by the Commissioner.

(2) Every revised register of eligible owners shall be submitted to the Commissioner for approval, and he may approve it with or without any amendments.

(3) A register of eligible owners which has been prepared or approved by the Commissioner and which is for the time being in force shall be conclusive evidence for determining whether the owners of any paddy lands wholly or mainly lying within the local jurisdiction of the Cultivation Committee maintaining that register are eligible owners.

(4) In this section the expression "eligible owners" has the meaning assigned to it by sub-section (3) of section 29.

31. The term of office of the members of a Cultivation Committee shall be one year:

Term of office
of members of
Cultivation
Committee.

Provided that an elected member of a Cultivation Committee may resign his membership by letter addressed to such Committee, and, where a member is elected or appointed to fill a vacancy caused by the death or resignation of a member, the member so elected or appointed shall, unless he, being an elected member, earlier resigns, hold office during the remaining portion of the term of office of the member whom he succeeds.

32. Every Cultivation Committee shall elect a Chairman, a Secretary, and a Treasurer of that Committee from among those members of that Committee who are not of the class of members specified in paragraph (b) of sub-section (1) or in paragraph (b) of sub-section (2) of section 29.

Office-bearers
of Cultivation
Committee.

33. (1) Regulations may be made under this Act in regard to the procedure for the election of members of a Cultivation Committee who are to be elected, and in respect of the convening of meetings of such Committee and the transaction of business thereat.

Procedure for
election of
members of a
Cultivation
Committee,
and meetings
of such
Committee
and of those
qualified to
vote at such
election.

(2) The Commissioner shall, if a written requisition in that behalf is sent to him by the prescribed number of persons who are qualified under section 29 (2) to vote at the election of the members of a Cultivation Committee who are to be elected, summon a meeting of the persons qualified to vote at such election, and any resolution passed at such meeting shall be duly considered by such Cultivation Committee.

34. The members for the time being of a Cultivation Committee shall be a body corporate with the name assigned to such Committee under sub-section (4) of section 29, with perpetual succession and a common seal and with power to acquire, hold, take or give on lease or hire, mortgage, sell and otherwise dispose of property, to institute and defend suits and other legal

Cultivation
Committee to
be a body
corporate.

proceedings, to enter into contracts and to do all things necessary to exercise the powers and perform the duties of such Committee.

Register to
be maintained
by Cultivation
Committee, and
certificates of
status to be
issued by such
Committee.

35. (1) Every Cultivation Committee shall prepare and maintain, under the direction of the Commissioner, a register of the owner cultivators, tenant cultivators, collective farmers and agricultural labourers of the paddy lands which are wholly or mainly within the local jurisdiction of such Committee, and shall issue to each of them a certificate in the prescribed form specifying his status as owner cultivator, tenant cultivator, collective farmer, or agricultural labourer and the extent of paddy land in respect of which he has such status.

(2) A Cultivation Committee may from time to time revise the register maintained, and the certificates issued, by such Committee under sub-section (1).

(3) The certificates issued by a Cultivation Committee under sub-section (1) shall be exempt from stamp duty.

Additional
powers of
Cultivation
Committee.

36. (1) In addition to the powers conferred on a Cultivation Committee by any other provision of this Act, such Committee shall have the power—

- (a) to promote the improvement and development of the cultivation of paddy and of other crops permitted by or under this Act to be produced from paddy lands;
- (b) to fix in the prescribed manner from time to time the rates of wages of agricultural labourers employed in places situated wholly or mainly within the local jurisdiction of such Committee;
- (c) to impose on, and collect from, the cultivator or, if there is no cultivator other than an agricultural labourer, the landlord of each extent of paddy land which wholly or mainly lies within the local jurisdiction of such Committee a charge at a prescribed rate;

- (d) to collect rents, loan repayments, and hire from cultivators on behalf of the persons entitled thereto;
- (e) to order any person having any interest in any paddy land which wholly or mainly lies within the local jurisdiction of such Committee to provide any information, and to produce for inspection any deeds or other documents, relating to that land;
- (f) to prepare and submit to the Minister, for implementation by regulations made under this Act, schemes for ensuring the efficient cultivation of paddy lands and the maintenance and improvement of their fertility;
- (g) to prepare and submit to the Minister, for implementation by regulations approved by the Government and made under this Act, schemes for the consolidation of holdings of paddy lands and schemes for the establishment of collective farms for paddy cultivation;
- (h) to develop and maintain irrigation works in such manner as may be approved by the Director of Irrigation or the Commissioner;
- (i) to collect, on such terms and conditions as may be prescribed, on behalf of the Government Agent of the Administrative District within which the area of jurisdiction of such Committee lies the irrigation rates, contributions in money or other sums payable under the Irrigation Ordinance, No. 32 of 1946, in respect of any paddy lands within that area, and to exercise and perform within that area the powers and duties of irrigation headmen under that Ordinance;
- (j) to guarantee the repayment of the principal of, and the payment of the interest on, a loan of money granted by a co-operative society registered under the Co-operative Societies Ordinance to the cultivator of any extent of paddy land for the purpose of cultivation of that extent;

- (k) to open an account in any bank and to deposit to the credit of that account all or any of the moneys of such Committee;
- (l) to utilise the moneys of such Committee to defray the expenses incurred in the exercise or performance of its powers or duties and for such purposes as may be prescribed; and
- (m) where such Committee is the owner of any extent of paddy land in respect of which there is a tenant cultivator, to transfer to such tenant cultivator the right, title and interest of such Committee to or in such area of that extent as shall not exceed five acres in order that such tenant cultivator may become the owner cultivator of that area.

(2) Where under sub-section (1) a Cultivation Committee guarantees the repayment of the principal of, and the payment of the interest on, a loan of money obtained by the cultivator of any extent of paddy land, all the produce from that extent shall, so long as such guarantee subsists, be deemed to be mortgaged to such Committee. Any sum paid by such Committee in fulfilment of such guarantee may be recovered as if it were a debt due to the Crown or by the enforcement of such mortgage. Notwithstanding anything to the contrary in any other law, such mortgage may be enforced in accordance with the provisions of section 28, and such section shall, for the purpose of the enforcement of such mortgage, have effect as if the references therein to the landlord were references to such Committee and the references therein to the tenant cultivator were references to the cultivator who had obtained such loan.

**Further powers
and duties of
Cultivation
Committees.**

37. Further powers and duties may be conferred or imposed on Cultivation Committees by regulations made under this Act.

**Cultivation
Committees to
be subject to
general direction
of Commissioner.**

38. Every Cultivation Committee shall, in the exercise of its powers and the discharge of its duties, be subject to the general direction of Commissioner.

PART IV

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

39. (1) Where there is any dispute as to whether any land is a paddy land within the meaning of this Act, the Commissioner shall decide whether that land is or is not a paddy land and shall communicate the decision in writing to the parties to the dispute.

Commissioner to decide dispute as to whether or not a land is a paddy land, and his decision to be subject to appeal to the Board of Review.

(2) Any person to whom a decision of the Commissioner under sub-section (1) is communicated may, if he is aggrieved by such decision, appeal in writing to the Board of Review from such decision within thirty days after the communication of such decision under that sub-section, and the appeal shall state the grounds of appeal.

(3) Where no appeal from a decision of the Commissioner under sub-section (1) is made to the Board of Review within the time allowed therefor by sub-section (2) or where such decision is confirmed in appeal by the Board of Review, then such decision, or, where an appeal from such decision is allowed by the Board of Review, then the decision of the Board of Review, shall be binding on the parties to the dispute to which the decision relates until the rights of those parties are determined finally by a court of competent jurisdiction.

40. (1) Where there is any dispute as to whether in a certificate issued by a Cultivation Committee under section 35 there should be assigned to any person in respect of any extent of paddy land the status of owner cultivator, tenant cultivator, collective farmer, or agricultural labourer, the Commissioner shall decide the status to be assigned to such person in such certificate in respect of such extent and shall communicate the decision to the parties to the dispute.

Commissioner to decide dispute as to status of any person specified in certificate issued by a Cultivation Committee, and such decision to be subject to appeal to the Board of Review.

(2) Any person to whom a decision of the Commissioner under sub-section (1) is communicated may, if he is aggrieved by such decision, appeal in writing to the Board of Review from such decision within thirty days after the communication of such decision under that sub-section, and such appeal shall state the grounds of appeal.

(3) Where no appeal from a decision of the Commissioner under sub-section (1) is made to the Board of Review within the time allowed therefor by sub-section (2) or where such decision is confirmed in

appeal by the Board of Review, then such decision, or, where an appeal from such decision is allowed by the Board of Review, then the decision of the Board of Review, shall be binding on the parties to the dispute to which the decision relates until the rights of those parties are determined finally by a court of competent jurisdiction.

Commissioner
to make
arrangements
for meetings
of those
qualified to
vote at
election of
members of
Cultivation
Committee.

41. The Commissioner shall cause the necessary arrangements to be made for a meeting of qualified cultivators, and a meeting of qualified owners, for the purpose of electing members of a Cultivation Committee or for any other purpose connected with the production of paddy. In this section, the expressions "qualified cultivators" and "qualified owners" have the meanings assigned to them by sub-section (3) of section 29.

Commissioner
to make
arrangements
for preparation
and revision
of registers.

42. The Commissioner shall cause the necessary arrangements to be made for the preparation and revision of the registers required to be maintained under section 30 and section 35 by each Cultivation Committee and for the issue and revision of the certificates required by section 35 to be issued by such Committee.

Commissioner
may revise
register
maintained, or
certificate
issued, under
section 35.

43. The Commissioner may revise the register maintained, and any certificate issued, by a Cultivation Committee under section 35.

Commissioner
may preside at
any meeting of
Cultivation
Committee.

44. The Commissioner may preside at any meeting of a Cultivation Committee. He shall not have the right to vote, but shall have the right to speak, at any such meeting.

Commissioner's
power to
requisition
tractors,
agricultural
implements,
buffaloes,
etc.

45. (1) The Commissioner may, by order in writing issued to the owner thereof, requisition, for use in the cultivation of paddy lands, any tractor, agricultural implement, buffalo or other requisite for paddy cultivation.

(2) The Commissioner shall determine and pay reasonable compensation to the owner of any thing or animal requisitioned under sub-section (1).

(3) A person dissatisfied with the amount of compensation determined by the Commissioner under sub-section (2) may, within thirty days after the tender of such amount by the Commissioner, appeal in writing

to the Board of Review from the determination of the Commissioner, and the appeal shall state the grounds of appeal.

(4) The Commissioner may give on hire to the cultivator of any paddy land any thing or animal requisitioned under sub-section (1) and shall determine and charge a reasonable sum as hire.

46. The Commissioner may inspect any paddy land, order the owner or person in possession of such land to furnish to him any information regarding such land or order any person having any deed or other document relating to the title to, or the occupation and use of, such land to produce it to him for inspection.

Commissioner's power in respect of any paddy land.

47. The Commissioner may inspect the books and records of any Cultivation Committee.

Commissioner's power in respect of books and records of Cultivation Committee.

48. The Commissioner may prepare and submit to the Minister, for implementation by regulations approved by the Government and made under this Act, schemes for the consolidation of holdings of paddy lands and schemes for the establishment of collective farms for paddy cultivation.

Commissioner may prepare schemes for consolidation of holdings of paddy lands or for establishment of collective farms for paddy cultivation.

49. Further powers and duties may be conferred or imposed on the Commissioner by regulations made under this Act.

Further powers and duties of Commissioner.

50. The Commissioner shall, in the exercise of his powers and the discharge of his duties under this Act, be subject to the general direction of the Minister.

Commissioner to be subject to general direction of the Minister.

51. (1) Such number of Deputy Commissioners of Agrarian Services, Assistant Commissioners of Agrarian Services and other officers and servants as may be necessary for the purposes of this Act may be appointed.

Deputy Commissioners, Assistant Commissioners and other officers and servants.

(2) A Deputy Commissioner of Agrarian Services may exercise all or any of the powers of the Commissioner under this Act.

(3) An Assistant Commissioner of Agrarian Services may exercise all or any of the powers of the Commissioner under this Act within the area to which such Assistant Commissioner is appointed.

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

PART V

GENERAL

**Loans by
Landlord.**

52. A landlord of any extent of paddy land may—

- (a) grant loans of paddy for sowing or consumption or of money to the tenant cultivator of such extent and charge interest on such loans at a rate not exceeding the prescribed maximum rate, and
- (b) give on hire to such tenant cultivator any tractor, agricultural implement, buffalo or other requisite for paddy cultivation on the prescribed terms of hire.

**Abolition of
proprietor's
payment of
remuneration
of irrigation
headman.**

53. Notwithstanding the provisions of section 31 of the Irrigation Ordinance, No. 32 of 1946, or any rule made under that Ordinance, the liability of any person who is a proprietor within the meaning of that Ordinance to pay, either in kind or in money, any remuneration in respect of any paddy land to any irrigation headman is hereby abolished.

**Recovery of
arrears of
irrigation
rates, etc.,
from landlord
of any extent
of paddy land.**

54. Any sum due before or on or after the date of enactment of this Act from the landlord of any extent of paddy land—

- (a) as arrears of irrigation rates or other charges imposed by or under the Irrigation Ordinance, No. 32 of 1946, in respect of such extent, or
- (b) as an amount which is payable under an award made under section 45 of the Co-operative Societies Ordinance and which is in discharge of a debt or other obligation to a co-operative society incurred by such landlord in respect of such extent,

may, without prejudice to any other legal mode of recovery, be recovered for the person entitled thereto by the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies by deducting such sum from the rent payable in respect of such extent.

55. (1) A charge imposed under this Act on the cultivator of any extent of paddy land by the Cultivation Committee within whose local jurisdiction that extent wholly or mainly lies may be recovered—

Recovery of charge imposed by Cultivation Committee on cultivator of any extent of paddy land.

- (a) as if it were a debt due to the Crown, or
- (b) by the enforcement of such mortgage of the produce from that extent as is created by sub-section (2).

(2) All the produce from any extent of paddy land on the cultivator or landlord of which a charge is imposed under this Act by the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies shall, so long as such charge is not paid, be deemed to be mortgaged to such Committee. Notwithstanding anything to the contrary in any other law, such mortgage may be enforced in accordance with the provisions of section 28, and such section shall, for the purpose of the enforcement of such mortgage, have effect as if the reference therein to the landlord were references to such Committee and the references therein to the tenant cultivator were references to the cultivator or landlord, as the case may be, of such extent.

56. Where the Minister certifies by notification published in the *Gazette* that it is necessary that any paddy land specified in the notification should be acquired for a Cultivation Committee, that land shall, for the purpose of the application of the Land Acquisition Act, No. 9 of 1950, be deemed to be required for a public purpose and may be acquired under that Act and transferred to such Committee:

Compulsory acquisition of paddy lands for Cultivation Committees.

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 by ten of the annual rental value of that land computed in the prescribed manner.

Acquisition
of paddy land
offered, on a
prescribed
ground, to the
Crown for
purchase.

57. (1) The Crown may, as hereafter in this section provided, acquire and dispose of any paddy land offered, on any prescribed ground, by the owner thereof to the Crown for purchase. An offer under this sub-section shall be made to the Commissioner in writing specifying the ground on which the offer is made.

(2) Where an offer under sub-section (1) is made, the Commissioner shall decide whether or not such offer is made on any prescribed ground, and shall communicate his decision in writing to the person who made the offer. Where such person is aggrieved by such decision, he may, within thirty days after the communication of such decision to him, make an appeal in writing from such decision to the Board of Review.

(3) Where an offer made under sub-section (1) is decided by the Commissioner or by the Board of Review to be made on any prescribed ground, the Minister shall certify, by a notification published in the *Gazette*, that it is necessary that the paddy land to which such offer relates should be acquired by the Crown, and upon the publication of such notification in the *Gazette*, such paddy land shall, for the purpose of the application of the Land Acquisition Act, No. 9 of 1950, be deemed to be required for a public purpose and shall be acquired under that Act:

Provided that, notwithstanding anything to the contrary in the aforesaid Act, the amount of compensation to be paid for the acquisition of such paddy land under the aforesaid Act shall be equal to the product of the multiplication by ten of the annual rental value of such paddy land computed as if this Act had not been enacted and in the prescribed manner.

(4) A paddy land acquired by the Crown as provided in this section shall be transferred to the Cultivation Committee within whose local jurisdiction that paddy land wholly or mainly lies. Such Committee shall—

- (a) if there was a tenant cultivator in respect of such paddy land at the time of its acquisition by the Crown, permit him to continue to be such tenant cultivator, and
- (b) if there was no tenant cultivator, appoint a suitable person to be the tenant cultivator of such paddy land, preferably a person resident within the local jurisdiction of such Committee.

Crops that
etc.
may be
cultivated on
paddy lands

58. (1) Any extent of paddy land may be cultivated—

- (a) with paddy, or
- (b) at any time between paddy cultivation seasons, 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 authorised by a permit issued by the Commissioner in his discretion upon written application made in that behalf by the cultivator of such extent.

(2) If any extent of paddy land—

- (a) is cultivated by the cultivator thereof otherwise than in accordance with the provisions of sub-section (1), or
- (b) is used by any person for any purpose other than cultivation in accordance with the provisions of sub-section (1),

that cultivator or that person, as the case may be, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, and, in default of payment of a fine, to imprisonment of either description for a term not exceeding one month.

Board of
Review.

59. (1) A Board of Review consisting of a prescribed number of members appointed by the Minister shall be established for the purpose of hearing and determining the appeals that may be made to such Board under this Act.

(2) Regulations may be made under this Act in regard to the term and vacation of, and removal from, office of the members of the Board of Review.

(3) The Board of Review may, on any appeal made under this Act to such Board, confirm or vary the determination or decision from which such appeal is made, and the decision of such Board on such appeal shall, except otherwise provided in this Act, be final and conclusive and shall not be called in question in any court.

Commissioner's approval required for alienation of a paddy land to a person who is not a citizen of Ceylon.

Power to make regulations.

60. No transfer of any person's right, title and interest to or in a paddy land to any other person who is not a citizen of Ceylon shall be valid unless the transfer has been made with the approval in writing of the Commissioner.

61. (1) The Minister may make regulations for giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (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.

(3) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and until notification of such approval is published in the *Gazette*.

Repeal.

62. The Paddy Lands Act, No. 1 of 1953, is hereby repealed.

Interpretation.

63. In this Act unless the context otherwise requires—

“ agricultural labourer ” means a person who is employed to perform, for wages in money or kind, any work connected with the production of paddy or the cultivation of any extent of paddy land with any such crop other than paddy as is permitted by or under this Act to be cultivated on that extent;

“ Board of Review ” means the Board of Review established under this Act;

“ Cultivation Committee ” means a Cultivation Committee constituted in accordance with the provisions of this Act;

“ cultivator ”, with reference to any extent of paddy land, means a person who, by himself, or by any member of his family, or a Cultivation Committee which, by any person, carries out on such extent one or more of the operations of ploughing, sowing and reaping,—

(a) where the cultivation of such extent is in respect of two paddy cultivation seasons, for at least one-third of a year, and

(b) where the cultivation of such extent is in respect of one paddy cultivation season only, for at least one-sixth of a year;

“ Commissioner ” means the Commissioner of Agrarian Services;

“ landlord ”, with reference to any 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 sub-tenant;

“ let ”, with reference to any extent of paddy land, means to permit any person, under an oral or a 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;

“ member of his family ”, with reference to any person, means the spouse or a son or daughter of that person, or a parent, brother or sister dependent on that person;

“ 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;

“ 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 alienated under the Land Development Ordinance.

SCHEDULE

(SECTION 7)

1. Sons.
2. Daughters.
3. Grandsons.
4. Grand-daughters.
5. Father.
6. Mother.
7. Brothers.
8. Sisters.
9. Uncles.
10. Aunts.
11. Nephews.
12. Nieces.