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THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

අංක 11,412 — 1958 ජූලි 5 වැනි සෙනසුරාද — 5. 7. 1958 No. 11,412 — SATURDAY, JULY 5, 1958

(Published by Authority)

PART I: SECTION (I)-GENERAL

Government Notifications

L. D.-B, 10/58.

THE PADDY LANDS ACT, No. 1 OF 1958

REGULATIONS made by the Minister of Agriculture and Food by virtue of the powers vested in him by section 61 of the Paddy Lands Act, No. 1 of 1958, and approved by the Senate and the House of Representatives.

D. P. R. GUNAWARDENA, Minister of Agriculture and Food. Colombo, July 4, 1958.

Regulations

1. These regulations may be cited as the Paddy Lands (No. 1) Regulations, 1958.

2. The following causes are hereby prescribed for the purposes of section 3 (2) of the Act: —

- (a) Wilful neglect of, or substantial damage caused to, the paddy land by the tenant.
- (b) Delivery of possession of the paddy land to a usufructuary mortgagee of the paddy land.

3. The following causes are hereby prescribed for the purposes of sections 4 (5) and 4 (7) (c) of the Act :—

- (a) The landlord of the paddy land requires it for the purpose of cultivating it by himself or by any member of his family in a case where—
 - (i) such landlord is capable of cultivating the paddy land in the aforesaid manner until the time when the provisions of the Act that come into operation on a date appointed under

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sub-section (1) of section 2 of the Act are brought into operation in the Administrative District or Administrative Districts in which the paddy land lies, and

- (ii) the cultivation of the paddy land will be the only or the main source of income of such landlord.
- (b) Inefficient methods of cultivation adopted by the tenant in cultivating the paddy land.
- (c) Wilful neglect of, or substantial damage caused to, the paddy land by the tenant.

4. The following causes are hereby prescribed for the purposes of section 4 (6) of the Act:—

- (a) The landlord of the paddy land has taken possession of it for the purpose of, and has been and is, cultivating it by himself or by any member of his family.
- (b) Delivery of possession of the paddy land to a usufructuary mortgagee of the paddy land.
- (c) Wilful neglect of, or substantial damage caused to, the paddy land by the tenant.

5. (1) The document of nomination of a successor referred to in section 6 (3) (a) of the Act shall be substantially in Form A in the Schedule hereto.

(2) The document of cancellation of nomination of a successor referred to in section 6 (3) (a) of the Act shall be substantially in Form B in the Schedule hereto.

(3) The document in which a cancellation of the nomination of a successor and a fresh nomination are combined shall be substantially in Form C in the Schedule hereto.

6. Every such document in respect of a paddy land as is referred to in regulation 5 shall be presented in duplicate for registration to the Registrar of Lands of the registration district in which such paddy land is wholly or mainly situated.

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7. (1) Every Registrar of Lands shall keep and maintain a register (hereinafter in these regulations referred to as the Register of Successors), substantially in Form D in the Schedule hereto, for the registration of documents specified in section 6 (3) (a) of the Act.

(2) The Register of Successors may be in such number of volumes as is necessary or convenient, each such volume being allotted to a registration division of the Registration District of the Registrar of Lands by whom such register is kept and maintained.

8. (1) Every Registrar of Lands shall keep and maintain a book (hereafter in these regulations referred to as the Day Book of Successors) in which shall be entered the particulars of every document presented for registration in the Register of Successors and the date and time of presentation.

A document presented, through the post or under cover, for registration in the Register of Successors shall be deemed to be presented for registration at the time when the packet containing the document is opened.

(3) The Day Book of Successors shall be substantially in Form E in the Schedule hereto.

9. (1) The Registrar of Lands shall cause every document received for registration in the Register of Successors to be-

- (a) numbered serially,(b) sealed with the official seal of such Registrar, and
- (c) registered in such volume of that Register as is allotted to the registration division in which the paddy land to which that document relates is wholly or mainly situated and in, or in continuation of, the folio in which the first document relating to that land is registered :

Provided that—

- (a) the document may, if the Registrar of Lands thinks fit, be registered in a new folio, cross references being entered so as to connect the registration with any previous registration affecting the same paddy land, and
- (b) where no document affecting the same paddy land has been previously the document registered, shall be registered in a new folio to be allotted by the Registrar of Lands.

(2) The Registrar of Lands shall sign the entry made in the Register of Successors in regard to the document that is registered and shall endorse on the two duplicates of that document the volume and folio in which the registration has been effected and the place and date of the registration, thus :-

Registered A2/13

Colombo, April 30, 1958.

(Signed)

Registrar of Lands.

(N. B.—A2 is the volume reference, and 13 is the folio reference.)

10. Where the description of any paddy land as set out in a document presented for registration in the Register of Successors differs from the description of that paddy land as shown in such Register and the Registrar of Lands is satisfied that such document relates to the paddy land described in such Register, he shall cause such document to be registered in the folio of such Register in which the second of the two aforesaid descriptions occurs and the differences to be specified in the remarks column of that folio.

11. After the registration of a document in the Register of Successors, the Registrar of Lands shall cause one of the duplicates of that document to be returned to the person who presented that document for registration and shall cause the other duplicate to be filed of record in his office.

12. Where a document is registered in the Register of Successors, the registration shall be deemed to have been effected on the date and at the time on and at which the document is recorded in the Day Book of Successors to have been presented for registration.

13. An application to the Registrar of Lands for inspection of the Register of Successors shall be writing and shall contain the following in particulars :---

- (a) The name and address of the applicant.
- (b) The name and extent of the paddy land.
- (c) The situation of the paddy land by reference to the Divisional Revenue Officer's Division and the village or town.
- (d) The boundaries of the paddy land.

14. No person shall inspect the Register of Successors except in the presence of the Registrar of Lands or an officer authorised by him in that behalf.

15. The fee for the registration of a document in the Register of Successors shall be two rupees and fifty cents, and it shall be paid by means of adhesive uncancelled stamps which shall be affixed to such one of the two duplicates of that document as is returned after registration to the person who presented that document for registration and which shall be cancelled by the Registrar of Lands or by any officer authorised in that behalf by him.

16. The fee payable for the inspection of the Register of Successors shall be two rupees and fifty cents, and it shall be paid by means of adhesive uncancelled stamps which shall be affixed to the application for such inspection and which shall be cancelled by the Registrar of Lands or by any officer authorised in that behalf by him.

17. The area which is to be determined as the approved area in respect of any extent of paddy land for the purpose of a notice under sub-section (1) of section 14 of the Act (such area being hereinafter referred to as the approved area), may be smaller in the case of an irrigable paddy land than in the case of an unirrigable paddy land.

18. The approved area may be smaller in the case of a paddy land capable of being cultivated during both seasons of the year than in the case of a paddy land capable of being cultivated during only one season of the year.

19. The Commissioner may determine as the approved area a larger area than the area he would in normal cirmustances so determine, if he is satisfied-

(a) that the income from the approved area will be the only or the main income of the landlord, or a the second s ----

- (b) that the tenant cultivator derives a greater income from sources other than the extent of the paddy land he will be left with after the approved area is restored to the landlord, or
- (c) that, excluding the maximum area that may be determined as the approved area, the tenant cultivator is entitled to cultivate more than five acres of paddy land within the Administrative District in which the paddy land out of which the approved area is to be determined is wholly or mainly situated.

20. The rate of interest payable under section 27 of the Act on rent in arrear shall be six per centum per annum.

21. The number of members of a Cultivation Committee who are to be elected under section 29 of the Act shall be twelve.

22. (1) Every Cultivation Committee shall, not later than eight weeks before the date fixed for the election, other than the first election, of the members thereof who are to be elected, publish, within the area of jurisdiction of such Committee, a notice in such form as may be approved by the Commissioner and in such manner as may appear to the Committee to be best suited for giving publicity thereto—

- (a) stating that the register of eligible owners referred to in section 30 of the Act and for the time being in force is being revised by the Committee, and
- (b) requiring every person whose name appears in such register to inform the Committee in such form as may be approved by the Commissioner and within such time as may be specified in such notice—
 - (i) whether there has been any change in the ownership of the paddy land in respect of which such person's name appears in such register, and, if so, the name and address of the new owner, and
 - (ii) if there has been no change in the ownership of such land, whether such person has been resident within the local jurisdiction of such Committee for a continuous period of six months in the twelve months immediately prior to the first day of September immediately preceding the date of such notice.

(2) Upon receipt of any information furnished in response to a notice under paragraph (1), the Cultivation Committee shall, after such inquiry as it may deem necessary, make the appropriate alterations in the register of eligible owners.

(3) A Cultivation Committee may also, of its own motion or on representations made by any person and after due inquiry, make such alterations in the register of eligible owners as the Committee may deem necessary.

(4) Every alteration made by a Cultivation Committee in the register of eligible owners shall be made not later than one week before the date fixed for the election of the members of such Committee who are to be elected, and shall be certified by the Chairman or Secretary of such Committee to be an alteration so made.

23. (1) The register of eligible owners shall at all times be maintained in good condition and shall be kept in the office of the Cultivation Committee or at such other place as may be determined by such Committee.

(2) The register of eligible owners shall be in the charge of the Chairman or the Secretary or the Treasurer of the Cultivation Committee or any employee of such Committee authorised in that behalf by such Committee.

(3) The register of eligible owners shall be made available by the Cultivation Committee for inspection at all reasonable hours by the Commissioner or by any officer authorised by the Commissioner, or by any owner or cultivator of any paddy land situated wholly or mainly within the local jurisdiction of such Committee.

(4) No fee shall be charged for the inspection of the register of eligible owners.

24. The following provisions shall have effect in relation to the first election of the members of a Cultivation Committee who are to be elected \cdot —

- (a) As soon as may be convenient after the preparation by the Commissioner of a register of persons who under section 29 of the Act are qualified cultivators of paddy lands wholly or mainly lying within the local jurisdiction of such Committee and a register of persons who under such section are qualified owners of such paddy lands, the Commissioner shall, by notice given under paragraph (b), summon a meeting of the qualified owners for the purpose of the electing member of the Cultivation Committee who are to be elected.
- (b) The notice referred to in paragraph (a) shall, not less than seven days before the day of the meetings, be given orally by beat of tom-tom or by exhibiting at suitable places within the area of jurisdiction of the Cultivation Committee the notice written in the language or languages prevalent in such area, or in such other manner as may appear to the Commissioner to be best suited for giving publicity thereto.
- (c) No meeting of the qualified cultivators or of the qualified owners shall be held unless there be present at such meeting at least one fourth of the total number of qualified cultivators or of the total number of qualified owners, as the case may be.
- (d) The Commissioner or an officer generally or specially authorised by him in that behalf shall preside at every meeting convened under this regulation. The officer presiding at every such meeting shall cause minutes of the proceedings of such meeting to be made, and such minutes shall be signed by him and filed of record at the office of the Assistant Commissioner of Agrarian Services for the area of jurisdiction of the Cultivation Committee.
- (e) The election of the members of the Cultivation Committee who are to be elected shall be by ballot.
- (f) Every person summoned to and present at a meeting held under this regulation shall have the right to nominate one or more persons for election (every person so nominated being hereafter in this regulation referred to as a candidate). No such nomination shall be valid unless the nomination has been seconded by some other person summoned to and present at the meeting.

I වැනි කොටස : (I) වැනි ජෙදය—ලංකාණ්ඩුවේ අති විශෙෂ ගැසට පතය—1958 ජුලි 5 වැනි සෙනසුරාද PART I : SEO. (I)---(GENERAL)---CEYLON GOVERNMENT GAZETTE EXTRAORDINARY---JULY 5, 1958

- (g) After the nomination of the candidates is complete, the officer presiding at the meeting shall announce the names of the candidates.
- (h) Every person present at the meeting who is entitled to vote shall be given a ballot paper in respect of each candidate. Such person shall either mark such ballot paper with a cross to signify that he is voting for the candidate in respect of whom such ballot paper was issued, or leave such ballot paper blank to signify that he is not voting for such candidate.
- (i) When the voting in respect of all the candidates is over, the officer presiding at the meeting shall announce, in the order of the number of votes secured by them, the names of the candidates and the number of votes secured by each of them. According to such order the requisite number of persons who are to be the elected members of the Cultivation Committee shall be determined, and such officer shall declare the persons so determined to have been duly elected as members of the Cultivation Committee.
- (j) The results of the election declared by the presiding officer shall be final and conclusive.

25. (1) In the case of every election subsequent to the first election of the members of a Cultivation Committee who are to be elected, the provisions of regulation 24 shall, subject to the provisions of paragraph (2) of this regulation, apply in like manner as they apply in the case of the first election.

(2) In the case of every subsequent election referred to in paragraph (1)-

- (a) the qualified cultivators entitled to vote at such election shall be determined by reference to the register for the time being in force of owner cultivators, tenant cultivators, collective farmers and agricultural labourers prepared and maintained by the Cultivation Committee under section 35 of the Act; and
- (b) the qualified owners entitled to vote at such election shall be determined by reference to the register for the time being in force of qualified owners prepared and maintained by the Cultivation Committee.

26. Every Cultivation Committee shall, not less than two weeks before the commencement of each paddy cultivation season, meet at least once, and thereafter at least once in every month in such cultivation season.

27. (1) The minutes of the proceedings of every meeting of a Cultivation Committee shall be made and filed of record in the office of the Cultivation Committee or at such other suitable place as may be determined by the Cultivation Committee.

(2) The quorum for a meeting of a Cultivation Committee shall be one-third of the number of elected members of such Cultivation Committee.

28. (1) All matters required to be decided by a Cultivation Committee shall be decided by a majority of the members present and voting at any duly convened meeting thereof.

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(2) Where any decision not inconsistent with any provision of the Act or of any regulation made under the Act is made by a Cultivation Committee, such decision shall be binding on all landlords, cultivators, collective farmers and agricultural labourers of paddy lands lying within the local jurisdiction of such Committee.

29. The number of persons who may make a written requisition under section 33 (2) of the Act shall be one-fourth of the number of persons who are qualified under section 29 (2) of the Act to vote at an election of the members of a Cultivation Committee who are to be elected.

30. A certificate under section 35 (1) of the Act shall be substantially in the Form F in the Schedule hereto.

31. (1) Every Cultivation Committee, shall not later than one month before the date of the commencement of each paddy cultivation season within the area of jurisdiction of such Committee, fix, and proclaim in such area in a manner determined by such Committee, the daily rates of wages of agricultural labourers employed at places situated wholly or mainly within such area.

(2) A Cultivation Committee may, in fixing the rates of wages under paragraph (1), fix different rates for different categories of agricultural labourers, or for different types of work connected with the production of paddy in which agricultural labourers are employed.

(3) In every area where it is customary for the employer to provide meals to the agricultural labourers employed by him, the Cultivation Committee shall, when fixing rates of wages under paragraph (1), specify whether the rates so fixed include the cost of meals. If the rates so fixed do not include the cost of meals, the Cultivation Committee shall specify the number of meals to be provided daily to each agricultural labourer by his employer and the nature of such meals.

(4) For the purposes of this regulation, the date of commencement of paddy cultivation in any area shall be deemed to be the date on which ploughing operations or muddying operations, as the case may be, commence in that area.

In this paragraph "muddying operations" means such operations as are carried out on any extent of paddy land for the purpose of preparing the soil for sowing paddy in areas where it is not customary to plough the land before sowing.

32. The rate of the charge which may be imposed under section 36 (1) (c) of the Act shall be six rupees per acre for each paddy cultivation season.

33. The terms and conditions for the purposes of section 36 (1) (i) of the Act shall be as follows :—

(a) Where the irrigation rates, contributions in money or other sums payable under the Irrigation Ordinance, No. 32 of 1946 (hereafter in this regulation referred to as irrigation dues) in respect of paddy lands lying within the area of jurisdiction of a Cultivation Committee are to be collected by such Committee on behalf of the Government Agent of the Administrative District within which such area lies, the Government Agent shall determine the date with effect from which such irrigation dues shall be collected by the Cultivation Committee.

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I වැනි කොටස : (I) වැනි ඡෙදය — ලංකාණ්ඩුවේ අති විශෙෂ ගැසට පතය — 1958 ජූලි 5 වැනි සෙනසුරාද 1785 Part I : Sec. (I)—(General)—CEYLON GOVERNMENT GAZETTE EXTRAORDINARY—July 5, 1958

(b) Every Cultivation Committee which collects irrigation dues shall be entitled to be paid a commission of ten per centum of the total collections remitted to the Government Agent from time to time by such Committee.

34. (1) The Commissioner shall have the power, whenever he deems necessary or expedient so to do, to summon a meeting of any Cultivation Committee after giving not less than seven days' notice of the time and date of such meeting.

(2) The Commissioner shall have the power, whenever he deems necessary or expedient so to do, to organise a Congress of Delegates of Cultivation Committees for any such area as may be determined by him, for promoting the mutual interests of the Cultivation Committees within that area and for discussing matters of common interest affecting paddy cultivation in that area. Such Congress shall consist of delegates elected by, and from amongst the members of, each Cultivation Committee within that area, the number of delegates so elected from each such Committee being not more than three. Every decision taken at a meeting of such Congress shall be communicated for consideration to each Cultivation Committee represented at such Congress.

35. The maximum rate of interest that may be charged on a loan under section 52 (a) of the Act shall—

- (a) where the loan is a loan of paddy, be ten per centum of the quantity of paddy so loaned, payable in respect of each cultivation season, and
- (b) where the loan is a loan of money, be six per centum per annum.

36. The annual rental value of a paddy land for the purposes of section 56 of the Act shall be an amount equal to the annual rent payable under the Act by the tenant cultivator of that paddy land.

37. (1) The following ground is hereby prescribed for the purposes of sub-sections (1), (2) and (3) of section 57 of the Act :—

Hardship caused to the owner of the paddy land which is offered to the Crown for purchase, by reason of the reduction of his income from such paddy land in a case where—

- (a) such reduction is to the extent of more than half of the average annual income which he derived from such paddy land during the three years immediately preceding the date on which such paddy land is offered to the Crown for purchase;
- (b) such reduction is directly due to the operation of the Act; and
- (c) such paddy land constitutes his main source of income.

(2) The annual rental value of a paddy land for the purposes of sub-section (3) of section 57 of the Act shall be an amount equal to one-fourth of the value of the average annual gross yield of paddy from such land during the three years immediately preceding the date of acquisition of such

land under the Land Acquisition Act, No. 9 of 1950, computed at the average of the prices fixed for those years for paddy of the same description as the paddy from such land by the Commissioner by notification published in the *Gazette* for the purposes of the Guaranteed Price Scheme.

38. (1) The number of members of the Board of Review referred to in section 59 (1) of the Act shall be three.

(2) Every member of the Board of Review shall, unless he earlier resigns or is removed from office, hold office for a term of one year.

(3) A member of the Board of Review who vacates office by effluxion of time shall be eligible for re-appointment as a member of the Board.

(4) A member of the Board of Review may resign office by letter addressed to the Minister.

(5) The Minister may, by Order published in the *Gazette*, remove any member of the Board of Review from office without stating a reason.

(6) Any member of the Board of Review in respect of whom an Order under paragraph (5) is published in the *Gazette* shall vacate office on the date of the publication of such Order in the *Gazette*.

(7) Any member of the Board of Review who has been removed by the Minister from office shall not be eligible for re-appointment as a member of the Board.

39. The Minister shall appoint one of the members of the Board of Review to be the Chairman of the Board.

40. An officer of the Department of Agrarian Services nominated for the purpose by the Minister shall function as the Secretary to the Board of Review.

41. (1) Every appeal preferred to the Board of Review shall be in writing and shall be addressed to the Secretary to the Board, and he shall, in consultation with the Chairman of the Board, fix the date, time and place for the consideration of such appeal by the Board.

(2) The Secretary to the Board of Review shall, under the direction of the Chairman of the Board, convene meetings of the Board for the purpose of hearing and determining the appeals preferred to the Board.

(3) Every decision of the Board of Review shall contain the reasons therefor and every such decision shall be signed by the Chairman of the Board.

(4) The Secretary to the Board of Review shall, in respect of every appeal preferred to the Board, keep a record of all such proceedings before the Board as relate to that appeal.

(5) The Secretary to the Board of Review shall, as soon as an appeal is heard and determined by the Board, communicate in writing the decision of the Board on such appeal to the appellant.

(6) The Board of Review may, subject to the provisions of this regulation, lay down the procedure to be followed at meetings of the Board.

42. In these regulations—

"Act" means the Paddy Lands Act, No. 1 of 1958; and "Commissioner" means the Commissioner of Agrarian Services.

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FORM C

Form in which cancellation of nomination of successor and nomination of fresh successor are combined

, ———— of ————, the tenant cultivator of the extent of paddy land called ———— presently owned by ———— of –, and more fully described in the Schedule hereto, do hereby—

(a) cancel the nomination of ______ of _____ as my successor who shall, upon my death, be entitled to succeed to my rights under the Paddy Lands Act, No. 1 of 1958, as tenant cultivator of the aforesaid extent of paddy land, effected by me by document executed on the _____ day of _____ 19 __, before _____ at ____, and

(b) nominate ______ of _____ as my successor, who shall, upon my death, be entitled to succeed to my rights under the aforesaid Act as tenant cultivator of the aforesaid extent of paddy land.

Signature of tenant cultivator.

Names and addresses of two witnesses :

1. _____.

Signed before me at _____ on the _____ day of _____ 19 ___.

	Agent of the Administrati	
	/Divisional Reven	
	/Registrar of Land	ls/
Notary 1	Public/Justice of the Peace.	

SCHEDULE

- 1. Name of paddy land : -----
- Situation of paddy land—

 (a) Village or town : ______.
 (b) Divisional Revenue Officer's Division : ______.
 (c) Administrative District : _____.
- 3. Boundaries of paddy land---
- North : _____. South : _____. East : _____.
 - West : ------.
- 4. Extent : ------

5. Share affected : ------.

6. Cultivation Committee within whose local jurisdiction the paddy land wholly or mainly lies :

Register of nominations and cancellations kept under section 6 of the Paddy Lands Act, No. 1 of 1958.

·	· · ·
Name of paddy land :	Boundaries
Village or Town:	North : $$.
Divisional Revenue Officer's Division :	East :
Administrative District :	South :
Cultivation Committee within whose local jurisdiction the paddy land	West :
wholly or mainly lies :	Extent :

Date of registration	Name and address of owner	Name and Address of tenant cultivator	Name and address of successor nominated under section 6 (1) of the Act	Name and address of successor whose nomination is cancelled under section 6 (2) of the Act		Date of execution of document and before whom executed	Registrar's signature	Remarks, if any
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FORM E

6

Particulars of documents under section 6 (3) (a) of the Paddy Lands Act, No. 1 of 1958, which are presented for registration

Serial No.	Date and time presentation for registration	Date of execution of document and before whom executed	Nature of document, whether nomination, cancellation or cancellation and nomination	Registration fee	No. of lands affected	Date of return of the document after registration	Remarks (if any)
1	2	3	4	5	6	7	8
· -	-		· · · · · · · · · · · · · · · · · · ·				
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FORM F

Certificate of status issued under section 35 (1) of the Paddy Lands Act, No. 1 of 1958

The Cultivation Committee of ——— hereby certifies that Mr. ——— is the owner cultivator*/tenant cultivator*/a collective farmer */ an agricultural labourer*/, of the extent of paddy land called ——— and more fully described in the Schedule hereto.

Date : -							Cu	ltivatio	etary, nittee of -	
Place :			* 1	1 - 1 - E			•		nyt State	
۰.			CHEDU	LE	^م ر *		· .	•	· · ·	
1.	Name of paddy land :			٠		,	•		 ?	
2.	Name of owner :				·		•	•	 1	
S .	Situation of paddy land		•	· · · ·	:	ν 9 •	•	 J	•	- -
4.	Boundaries	•		•			· · · · · · · · · · · · · · · · · · ·	· · ·		· · · · ·

5. Extent : _____.

6. Share affected :

7. Cultivation Committee within whose local jurisdiction the paddy land wholly or mainly lies :

* Delete if inapplicable.