

ලංකා රජයේ ගැසට් පත්‍රය

අති විශේෂ

THE CEYLON GOVERNMENT GAZETTE

EXTRAORDINARY

අංක 14,878/2 - 1969 නොවැම්බර් 2 වැනි දින 1969.11.2

No. 14,878/2 - SUNDAY, NOVEMBER 2, 1969

(Published by Authority)

PART I: SECTION (I) — GENERAL

Government Notifications

L.D.—B. 22/69

THE NINDAGAMA LANDS ACT, No. 30 OF 1968

REGULATIONS made by the Minister of Land, Irrigation and Power by virtue of the powers vested in him by Sections 6, 7, 20 and 26 of the Nindagama Lands Act, No. 30 of 1968.

C. P. DE SILVA,
Minister of Land, Irrigation and Power.

Colombo, November 2, 1969.

Regulations

1. These regulations may be cited as the Nindagama Lands (No. 1) Regulations, 1969.
2. (1) The prescribed period for the purpose of preferring any written claim under section 6 (1) of the Act shall be a period of ninety days, excluding Poya days and public holidays, calculated from the appointed date.
(2) Every written claim shall be forwarded to the Nindagama Lands Board through the competent authority of the Administrative District in which the nindagama land in respect of which the claim is made is situated.
3. (1) Every written claim shall be substantially in Form A of the First Schedule hereto, shall contain particulars of matters specified therein, and shall be forwarded to the competent authority in duplicate.
(2) Every written claim shall be made by the claimant ordinarily on his own behalf.
4. (1) A written claim on behalf of a minor or a person of unsound mind shall be made by a curator or manager duly appointed by court, or where no such appointment has been made by court, by a curator or manager appointed by the competent authority after holding such inquiry as he considers necessary.
(2) The competent authority may make such appointment of his own motion or on application made to him by an interested party.
(3) Immediately upon making such appointment, the competent authority shall send to the District Judge within whose jurisdiction the nindagama land to which the written claim relates is situated, a report in duplicate, which shall be signed and dated by him and which shall specify—
 - (a) the particulars of the written claim;
 - (b) the full name and address of the minor or the person of unsound mind on whose behalf the claim is made;
 - (c) the full name and address of the person appointed as curator or manager;
 - (d) the date on which the appointment was made;
 - (e) the reasons for making the appointment.
- (4) The District Judge may, on receipt of the report, approve the appointment or disallow it and appoint some other person, and where the District Judge approves the appointment, it shall be valid from the time at which it was made by the competent authority.
- (5) It shall not be necessary for the District Judge before he approves or disallows any appointment to require the competent authority, the curator or manager appointed by the competent authority, or the minor or person of unsound mind or any other person to appear before him.
- (6) The District Judge shall endorse his order upon the duplicates of the report and shall file one duplicate in his court and return the other to the competent authority. The competent authority shall annex the duplicate so returned to the relevant written claim and the appointment shall be valid and effectual in law for the purpose of the determination of the written claim and award as to title under the Act.
5. (1) On receipt of a written claim within the prescribed period, the competent authority shall cause a notice in such form as may be approved for the purpose by the Settlement Officer to be posted on the land to which such claim relates and shall obtain through the appropriate Divisional Revenue Officer a report on the accuracy of the facts from the Grama sevaka of the place where the land is situated.
(2) The Grama sevaka to whom a written claim has been referred shall prepare a sketch or tracing of the land referred to in the written claim from the sixteen chain sheet Survey Diagram or other Government Survey Plan, shall include all available particulars, and shall annex such sketch or tracing to his report.

(3) The Grama sevaka's report shall also contain the names and addresses of any other claimants to the nindagama land as far as can be ascertained.

(4) On receipt of the Grama sevaka's report from the Divisional Revenue Officer, the competent authority shall cause an extract of the entries relating to that nindagama land as appearing in the Service Tenure Register to be prepared and certified by him or by an officer duly authorised in that behalf by him.

(5) The competent authority shall thereafter forward the written claim together with the Grama sevaka's report, survey plan, tracing, the certified extract of the Service Tenure Register and all the other connected documents to the Settlement Officer.

6. (1) The Settlement Officer shall scrutinise the written claim and the connected documents, and after satisfying himself that all relevant information and particulars have been furnished, transmit the claim to the Board for the purpose of making an award as to title under section 21 of the Act.

(2) Where the Settlement Officer considers that a survey of the land or of a portion of the land is necessary, he shall commission a survey before such transmission.

(3) The cost of such survey shall be borne by the Government in the first instance, but a part of it not exceeding fifteen rupees per acre shall be recovered from the claimant.

7. (1) The survey referred to in regulation 6 shall be carried out by the Survey Department or by a licensed surveyor working under the instructions of the Surveyor General on a commission issued under the Act.

(2) The commission for survey shall be in such form as may be determined by the Settlement Officer.

(3) Before a commission for survey is issued, the competent authority shall recover from the claimant as a deposit a sum not exceeding two rupees and fifty cents in respect of each acre of land or any outstanding part of an acre to be surveyed. Such deposit shall be set off subsequently against the charge referred to in regulation 6.

(4) Two copies of the commission for survey shall be served on the commissioner, one copy shall be posted on the land to be surveyed and another copy shall be sent to the claimant for his information.

8. (1) It shall be lawful for the Settlement Officer, any member of the Board, competent authority, commissioner, Grama sevaka or an officer duly authorised in writing by the Settlement Officer or competent authority to enter between the hours of sunrise and sunset for any purpose relating to the claim any land in respect of which a written claim has been submitted or a commission for survey has been issued.

(2) After a copy of a commission for survey has been posted on the land, the commissioner or anyone acting under his authority may enter the land together with such persons, implements, materials, vehicles, animals as may be necessary and,

(a) survey and take levels of that land ;

(b) dig or bore into the sub-soil of that land ;

(c) set out the boundaries of that land and the intended line of any work proposed to be done on that land ;

(d) mark such boundaries, levels and lines by placing marks and cutting trenches ;

(e) where otherwise the survey of that land cannot be completed and such levels taken and such boundaries marked cut down and clear away any part of any standing crop, fence or jungle on that land ; and

(f) do all other acts necessary to survey and land-mark the land :

Provided that no commissioner or person acting under the authority of any such commissioner in the exercise of the above powers shall enter any such land unless he has given the occupier of the land at least seven clear days' written notice of his intention to do so.

(3) Where the Surveyor General or any of his officers is the commissioner, he shall cause the survey to be carried out, the boundaries land-marked and the requisite copies of the survey plan prepared and despatched to the officer commissioning the survey.

(4) Where the commissioner is a licensed surveyor, such commissioner shall, on receipt of the two copies of the commission of survey send them to the Superintendent of Surveys of the region in which the land to be surveyed is situated and obtain the necessary instructions. The Superintendent of Surveys shall issue the instructions without undue delay and shall return one copy of the commission for survey to the commissioner concerned.

(5) The commissioner shall thereafter carry out the survey in accordance with the instructions and shall send his original plan and field book to such Superintendent of Surveys for examination along with his bill of costs of the survey.

9. (1) Every reference under section 7 (1) of the Act shall be substantially in Form B of the First Schedule hereto and shall be delivered by hand or by registered post to the Secretary of the Board.

(2) The Secretary of the Board shall be under the supervision and disciplinary control of the Settlement Officer. He shall take directions from the Chairman of the Board on matters arising from any written claim referred to the Board.

(3) On receipt of a reference of any claim the Secretary shall register such reference and place it before the Chairman of the Board.

10. (1) The Secretary shall consult the Chairman of the Board as to the date and time for the determination of any claim referred to the Board.

(2) The Secretary shall thereafter issue summons on the parties and witnesses and also on every person considered as likely to be affected by the claim to appear and give evidence or to produce any specified documents before the Board on the day fixed for determination of the claim.

(3) The service of summons on a person shall be effected by hand or by registered post (addressed to such person's last known address), or by affixing the summons at the entrance to the last known place of that person's abode. The summons shall be in such form as may be determined by the Board.

11. Where any claim has been referred to the Board, any person whose interests are affected by such claim may apply to the Board to be joined as a party ; and where any such application is made, the Board may, if satisfied that such person's interests will be affected to his prejudice if he is not made a party, grant the application.

12. If without sufficient cause being shown, any party to any proceedings before the Board fails to attend the hearing, the Board may postpone the inquiry to another date or may proceed with the inquiry notwithstanding the absence of such party.

13. The Board may in any decision or order made in respect of any claim correct any clerical error or mistake due to any oversight. Where any such correction is made after the award or decision is published in the *Gazette* such correction shall also be published in the *Gazette*.

14. At the hearing into any claim, the Board shall call upon the claimant or any interested person as the Board thinks fit, to state his case first.

15. (1) Every decision of the Board in respect of any claim shall be made in writing and shall be read out by the Chairman.

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

16. The Secretary of the Board shall, under the directions of the Chairman, convene meetings of the Board for the purpose of hearing and determining any references to the Board.
17. (1) Where a party to a reference dies after having made a written claim but before determination of the claim, the legal heirs of the deceased, as far as they can be ascertained shall be substituted in place of such deceased person.
 (2) For the purpose of making such substitution, the Board may require the heirs of the deceased and such other person or persons as may then be in occupation of or interested in the land to which the written claim relates to appear before the Board after due notice.
18. As soon as a reference of a claim is heard and determined by the Board, the Secretary shall forthwith convey such decision to the claimant by registered post.
19. (1) Where any claimant is dissatisfied with the decision of the Board, he may, within thirty days after the date of service on him of the notice of the decision of the Board in respect of his claim, appeal against such decision in accordance with the provisions of section 20 of the Act.
 (2) Every such appeal shall be preferred by means of a written statement setting out the grounds of appeal and shall be signed by the appellent.
 (3) Every statement of appeal shall be substantially in Form C of the First Schedule hereto.
 (4) Every statement of appeal shall be delivered or sent by registered post within the appealable period to the Secretary of the District Court having jurisdiction over the place where the land is situated.
 (5) On receipt of the petition of appeal by the District Court, the Secretary of such Court shall in writing call for the inquiry papers or the case record in respect of such claim from the Secretary of the Board and the Secretary of the Board shall comply with such request forthwith.
20. The District Court to which an appeal under section 20 (1) of the Act is preferred against a decision of the Board in respect of any reference may, in its discretion—
 (a) confirm such decision,
 (b) set aside such decision,
 (c) set aside such decision and make a fresh determination in place thereof, or
 (d) vary or modify the decision in such manner as may appear necessary,
 (e) award costs.
21. The proceedings in relation to every such appeal shall be subject to the provisions of Chapter XXIV of the Civil Procedure Code relating to summary procedure by petition.
22. The determination of the District Court on an appeal shall be conveyed to the Secretary of the Board in writing by the Secretary of the District Court and the documents obtained from the Board by the District Court for the purpose of the appeal shall be returned.
23. (1) If no appeal has been preferred, on the termination of the appealable period after a decision has been made by the Board in respect of any claim, or on the determination of an appeal by the District Court being conveyed to the Board, the Secretary of the Board shall convene a meeting of the Board on a date and time fixed by the Chairman for the purpose of making an award as to title in terms of section 21 (1) of the Act in accordance with such decision or determination.
 (2) Every award under section 21 of the Act shall be substantially in Form D set out in the First Schedule hereto and shall contain particulars of the matters specified therein.
 (3) The Secretary of the Board shall maintain minutes of every meeting of the Board in a register and such minutes shall be signed and dated by the Chairman and members present at each such meeting.
 (4) The Board may lay down its own rules of procedure in respect of inquiries into claims.
24. (1) In every Land Register Office established under the Registration of Documents Ordinance (Chapter 117) a separate District Register of sole owners of Nindagama Lands (hereinafter referred to as the District Register) shall be opened and maintained for the registration of awards made by the Board under section 21 of the Act.
 (2) The District Register shall be in such form as may be determined by the Registrar General in consultation with the Settlement Officer.
 (3) Every award made by the Board under section 21 of the Act shall be presented in triplicate for registration to the Registrar of Lands of the registration district in which the nindagama land is wholly or mainly situated.
 (4) After the registration of the award in the District Register, the Registrar of Lands shall cause two copies of the award to be returned to the Board and shall cause the third copy to be filed of record in his office.
25. (1) Before an entry is made in the District Register, the Settlement Officer or the competent authority may cause a further survey of the nindagama land in respect of which the award has been made, if such officer deems such survey necessary.
 (2) The full cost of such survey shall be borne by the Government.
26. Any person who obstructs or resists any officer or person in the discharge of any power, duty or function conferred or imposed on him by this Act or by any regulation made thereunder, shall be guilty of an offence under the Act and shall on conviction after a summary trial by a Magistrate's Court, be liable to a fine not exceeding five hundred rupees or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.
27. The Chairman and members of the Board and officers specified in the Second Schedule hereto may be paid remuneration, travelling allowance and subsistence allowances calculated in accordance with the appropriate provisions of that Schedule.
28. Witnesses summoned before the Board may be paid batta and travelling allowance calculated at the rates specified in the Third Schedule hereto.
29. Any costs ordered by the District Court shall be recovered as if they were costs incurred in a civil suit.
30. In these regulations, unless the context otherwise requires—
 " Act " means the Nindagama Lands Act, No. 30 of 1968 ;
 " Board " means the Nindagama Lands Board established under section 8, (1) of the Act ;
 " Chairman " means the Chairman of the Board and in relation to any inquiry into a written claim, means the Chairman of the meeting, if the Chairman of the Board is not present ;
 " interested person " includes any body of persons corporate or unincorporate ;
 " Service Tenure Register " means the Service Tenure Register prepared under the provisions of the Service Tenures Ordinance (Chapter 467) ; and
 " Settlement Officer " includes an Additional Settlement Officer appointed by the Public Service Commission.

FIRST SCHEDULE

FORM A

The Nindagama Lands Act, No. 30 of 1968

Written claim under section 6 (1) of the Act for an award as to title.

To the Nindagama Lands Board, Colombo
 (through the Competent Authority i.e. the

Government Agent of

I,

..... of

..... do on my own behalf*/on behalf of

..... of

..... as curator*/Manager, hereby request that an award under section 21 of the Nindagama Lands Act, No. 30 of 1968, be made in my favour*/in favour of

..... of

..... in respect of the nindagama land referred to in this written claim.

2. I undertake to bear a part of the cost of survey, not exceeding rupees fifteen per acre, in the event of a survey being carried out prior to the issue of such award.

3. *My certificate of appointment as the curator*/Manager of

..... of

..... is annexed.

4. Particulars necessary for the consideration and determination of this written claim are given below. These are, to the best of my knowledge and belief, true and accurate.

*Claimant/Curator/Manager.

Date:

* Strike out whichever is inapplicable.

<p>(a) Full name and address of claimant/Curator/Manager making the application.</p>	
<p>(b) Full name and address of person on whose behalf the application is made.</p>	
<p>(c) Name and extent of the nindagama land and in whose possession it was on the 22nd of June, 1968.</p>	

<p>(d) Description of the boundaries of the nindagama land :</p> <p>N</p> <p>E</p> <p>S</p> <p>W</p>	
<p>(e) Nature and age of plantation and buildings, etc.</p>	
<p>(f) Situation of the nindagama land (District, D. R. O's Division, Grama sevaka's Division and Village).</p>	
<p>(g) Particulars of survey plans, if any (If so, attach tracing or sketch) ;</p>	
<p>(h) Particulars of deeds, if any ;</p>	
<p>(i) Number of the Panguva according to District Service Tenure Register, if known ;</p>	
<p>(j) Name of Panguva according to the District Service Tenure Register, if known ;</p>	
<p>(k) Maruvena or Praveni panguva :</p>	
<p>(l) Full name and address of proprietor according to District Service Tenure Register, if known ;</p>	
<p>(m) Full name of tenant or holder according to District Service Tenure Register, if known ;</p>	
<p>(n) Nature of services originally due or the amount at which services were commuted, if known ;</p>	

(o) Basis and nature of present claim :	
(p) Full names and addresses of any witnesses the claimant proposes to call at the inquiry, if necessary.	
(q) Particulars of documents claimant relies on to establish the claim :	
(r) Pedigree Chart (This should be annexed).	

FORM B

The Nindagama Lands Act, No. 30 of 1968

To the Nindagama Lands Board,
 Colombo.

Reference of a written claim. No. _____

Whereas Mr./Mrs./Miss _____ of _____ has submitted a written claim under section 6 (1) of the Act for an award as to title under section 21 of the Nindagama Lands Act, No. 30 of 1968. I do hereby refer such written claim to the Nindagama Lands Board for hearing and determination under the provisions of the said Act and in terms of the regulations framed thereunder.

2. The hearing shall be held at _____ in the Administrative District of _____

3. The following documents are annexed :
- (i) Written claim preferred ;
 - (ii) Sketch or tracing of plan of land referred to ;
 - (iii) Pedigree chart ;
 - (iv) Grama sevaka's report ; and
 - (v) Certified copy of Service Tenure Register entry relating to land referred to.

4. The written claim was preferred within the prescribed period.

.....
 Competent Authority,
 Administrative District.

Date :

FORM C

The Nindagama Lands Act, No. 30 of 1968 (Appeal to the District Court under section 20 (1) of the Act.)

PETITION OF APPEAL

In the District Court of
 Petition of appeal of

Address
 Vs.

Appellant

The Nindagama Lands Board, Colombo, Respondent

The Competent Authority, Administrative District, Respondent

In the matter of

May it please the Honourable Court

The Appellant above-named begs respectfully to submit as follows :—
 that

A copy of the decision appealed against is annexed hereto
 The appellant therefore prays that the Court may be pleased to decide —

- 1.
- 2.
- 3.
- 4.

Address :

Date :

Signature

I, _____ of _____ Justice of the Peace, do hereby certify that the fore-going was signed by the appellant in my presence this _____ day of _____ 19____, at _____

Signature Justice of the Peace.

Address :

Where the appellant is signing the appeal in his capacity as a curator or manager, he should state that fact and specify the name of person on whose behalf he is making the claim.



FORM D

The Nindagama Lands, No. 30 of 1968

AWARD

Whereas a written claim under Section 6 (1) of the above Act in respect of the nindagama land described in Column I of the Schedule hereto-submitted by _____ of _____ appearing as Curator*/Manager has been referred to the Nindagama Lands Board under Section 21 (1) of the said Act by the competent authority of _____ District for an award as to title :

And whereas the decision of the said Board after due consideration of such reference has become final and conclusive under section 19 (2) of the said Act*/and whereas a final determination of that reference by the District Court of _____ on appeal preferred to such Court against the decision of the said Board has been made :

Now therefore, the Nindagama Lands Board, by virtue of the powers vested in it by section 21 (1) of the Nindagama Lands Act, No. 30 of 1968, do hereby make award in accordance with such decision that has become final and conclusive*/final determination of such District Court, to wit :

The persons whose names appear in Column II of the Schedule hereto are declared the sole owners of the shares shown against them free of all encumbrances whatsoever* other than those specified in Column III thereof in respect of the Nindagama land described in column I of the said schedule and such land or shares of such land shall vest absolutely in such persons to the exclusion of all persons whatsoever.

SCHEDULE

Column I Description of Nindagama Land	Column II Names and addresses of sole owners	Column III Divided or Undivided Shares entitled to and encumbrances if any
1. Nindagama Land called and known as _____ situated in the village of _____ in _____ Grama Sevaka's Division of _____ D. R. O.'s Division in the Administrative District of _____ containing in extent _____ a _____ r _____ p	1. _____ of _____ 2. _____ of _____	

and bounded in the

North by

East by

South by

West by

and more particularly described as lot No.
in Plan No.

dated prepared by

Given under my hand this day of 19

Chairman, Nindagama Lands Board.

*Delete whichever is inapplicable.

SECOND SCHEDULE

1. Subject as hereinafter provided, every member of the Nindagama Lands Board if he is not an officer of the Government shall be entitled, for attendance at any inquiry into a written claim or at any Board Meeting to a fee calculated at the rate of—

- (i) Rs. 50 for each meeting if the duration of the sitting does not exceed two hours ; and
- (ii) Rs. 75 for each meeting if the duration of the sitting exceeds two hours.

Provided however that the maximum amount which a member of the Board shall be entitled to receive by way of fees for attendance at sittings relating to the hearing of any one written claim shall not exceed Rs. 100.

2. Members of the Board shall be entitled, in respect of travelling done by them in the discharge of their duties to a travelling allowance calculated in accordance with the following provisions :—

- (a) In respect of any journey or any portion of a journey which might reasonably have been performed by railway a member shall be entitled to a travelling allowance equivalent to the first class train fare.
- (b) In respect of a journey or part of a journey by private or hired conveyance, where such journey could not reasonably have been performed by railway, a member shall be entitled to a travelling allowance calculated at the rate of 50 cents for each mile, or outstanding part of a mile of the distance travelled.
- (c) In respect of any journey, travelled by omnibus, or other public conveyance a member shall be entitled to a travelling allowance equivalent to the actual amount paid as fare.

3. Government Officers shall be entitled to travelling allowance and subsistence allowances calculated in accordance with such of the provisions of the Government Financial Regulations as are applicable to them.

THIRD SCHEDULE

1. Government Officers summoned as witnesses at the instance of the Settlement Officer or the Nindagama Lands Board shall be paid subsistence and travelling allowance in accordance with the Financial Regulations of Government.

2. (1) Payments to witnesses who are not employees of the Government may be made at the rates shown below :—

I Class	II Batta per day	III Travelling Allowance			IV Table Persons having incomes—
		(a) By conveyance other than by train	(b) By Train	(c) By Bus	
	Rs. c.	per mile			
I ..	10 0 ..	45 cts. ..	First Class Fare ..	Actual fare paid ..	Class I—of Rs. 6,000 p. a. and over
II ..	7 50 ..	35 cts. ..	do. ..	do. ..	Class II—of Rs. 3,600 p. a. and over and under Rs. 6,000 p. a.
III ..	3 50 ..	25 cts. ..	Second Class Fare ..	do. ..	Class III—of Rs. 1,500 p. a. and over and under Rs. 3,600 p. a.
IV ..	2 50 ..	20 cts. ..	do. Fare ..	do. ..	Class IV—below Rs. 1,500 p. a.

(2) Batta and travelling allowance on the above rates shall be calculated on the bases laid down in the Financial Regulations of the Government for the calculation of subsistence allowance and traveling allowance including payment of mileage.

3. Witnesses cited by a claimant may be paid in accordance with regulations 2 (1) and 2 (2) above provided the claimant deposits the amount needed for such payment with the Secretary of the Nindagama Lands Board before issue of summons.

4. The Settlement Officer or the Secretary of the Nindagama Lands Board, as the case may be, shall be the officers authorised to make such payments.

5. Every such payment shall be made only on a certificate of attendance issued by the Nindagama Lands Board or on a special certificate issued by the Settlement Officer.