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THE GAZETTE OF THE REPUBLIC OF SRI LANKA (CEYLON)

EXTRAORDINARY

අංක 243/40 — 1976 දෙසැම්බර් 17 දැනී සිකුරාදා— 1976.12.17

No. 243/40 — FRIDAY, DECEMBER 17, 1976

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PART I: SECTION (I) — GENERAL

Government Notifications

P. O. No. W. 68 (70)/76.

PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under section 5 of the Public Security Ordinance upon the recommendation of the Prime Minister.

W. GOPALLAWA,
President.

Colombo, December 17, 1976.

Regulations

1. (1) These regulations may be cited as the Emergency (Cultivation of Food Crops) Regulations.

(2) These regulations shall have effect notwithstanding any other written law or any custom relating to the cultivation of any agricultural land.

2. (1) It shall be the duty of the owner or occupier of any uncultivated or under-cultivated agricultural land to cultivate such land with any of the food crops referred to in the Schedule hereto and in accordance with any direction that may be issued in relation thereto by the Competent Authority.

Provided, that the owner or occupier of any uncultivated or under-cultivated agricultural land may, with the written permission of the Competent Authority, cultivate such land with any other crop approved by the Director of Agriculture.

(2) Any directions issued under paragraph (1) shall be deemed to be served on the owner or occupier of the agricultural land if such direction is sent under registered post to the last known address of such owner or occupier.

Provided, however, that where there are several owners or occupiers of such land or the owners or occupiers of such land cannot be ascertained the exhibition of such direction in a conspicuous place in or upon the agricultural land to which such direction relates shall be deemed to be sufficient service of such direction on all the owners or occupiers of such land as the case may be.

3. Where the Competent Authority is satisfied that any agricultural land is not cultivated in accordance with the provisions of regulation 2 or in accordance with any directions that may be issued thereunder, the Competent Authority is hereby authorized to take possession of that land on the payment of a fair ground rent, or the payment of a fair share of the crop as may be determined by the Competent Authority, the owner or occupier being entitled to decide whether he prefers to receive a share of the crop or the ground rent and to take all such measures and to use such force as he may deem necessary for the purpose of taking possession of such land.

4. In any case in which the Competent Authority is under the provisions of regulation 3 authorized to take possession of any agricultural land he may before taking possession thereof call upon the owner or occupier of such land to show cause why the land should not be taken over and where the owner or occupier shows cause which appears to the Competent Authority to be adequate and enters into an undertaking in writing to the satisfaction of the Competent Authority to comply with such terms and conditions as the Competent Authority may think it necessary to impose in order to secure the proper and regular cultivation of the land, the Competent Authority may refrain from taking possession of such land under regulation 3.

5. Where in pursuance of the provisions of regulation 3 the Competent Authority has taken possession of an agricultural land—

(a) he shall issue a certificate in writing under his hand that he has so taken possession of the land for the purpose of causing it to be cultivated and shall deliver such certificate to the owner or occupier of the land or cause it to be exhibited in a conspicuous place on the land :

(b) (i) he may cause the land to be cultivated by such person or persons as he may deem fit, during such period as he may in his discretion determine, and

(ii) may at any time, in a case where the owner or occupier enters into an undertaking to the satisfaction of the Competent Authority to comply with such terms and conditions as the Competent Authority may think it necessary to impose in order to secure the proper and regular cultivation of the land, give back possession of the land to the owner or former occupier.

6. Every written undertaking executed under the preceding provisions of these regulations shall—

(a) be free from stamp duty, and

(b) of force and avail, notwithstanding that such undertaking is not signed in the presence of, and its execution not attested by a licensed Notary Public and two or more witnesses.

For the purposes of the application of the Registration of Documents Ordinance every such written undertaking shall be deemed to be an instrument affecting the land to which the undertaking relates and may be presented for registration by the Competent Authority or some person thereto authorized by the Competent Authority :

Provided, however, that notwithstanding anything in that Ordinance, no fee shall be payable under that Ordinance for or in respect of the registration of any such undertaking.

7. The Competent Authority or any person authorized in that behalf shall have the power to enter and inspect any agricultural land which is situated within the area of his authority.

8. It shall be the duty of the officer in charge of the Police Station or his authorized representative within whose area of authority such land lies to carry out all instructions issued to him by the Competent Authority under provisions of these regulations.

9. Where any person contravenes or fails to comply with any of these regulations he shall be guilty of an offence and shall on conviction after trial before a Magistrate be liable to a fine not less than five hundred rupees and not exceeding five thousand rupees.

10. In these regulations—

“ agricultural land ” means land used or capable of being used for agriculture within the meaning of these regulations ;

“ agriculture ” includes—

(1) the growing of rice, all field crops, spices and condiments, industrial crops, vegetables, fruits, flowers, pasture and fodder and food crops referred in the Schedule hereto ;

(2) dairy farming, livestock rearing and breeding ; and

(3) plant and fruit nurseries ;

“ Competent Authority ” means the Government Agent of the Administrative District in which such land is situated or any person authorized by him in that behalf ;

“ occupier ” means any person in occupation or possession of any agricultural land and includes—

(a) a person for the time being entitled to the use and occupation of any agricultural land by virtue of being the lessee or usufructuary mortgagee ; and

(b) any person who is using and is in occupation of agricultural land alienated under the Land Development Ordinance, the Crown Lands Ordinance or any other Enactment ;

“ owner ” includes a co-owner ; and

“ person ” includes any body of persons, corporate or unincorporate ;

“ under-cultivated agricultural land ” means land which in the opinion of the Competent Authority is inadequately cultivated in relation to the potential cultivability of the crops specified in the Schedule.

SCHEDULE

Paddy	Groundnut
Manioc	Green Gram
Sweet Potato	Maize
Dioscorea	Sorghum
Alocasias	Soya Bean
Colacasias	Turmeric
Chillies	Gingelly
Onions	Bananas
Cowpea	Millets
Toor Dhal	Black Gram
Kurakkan	