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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 1585/15 - 2009 ජනවාරි 21 වැනි බදාදා - 2009.01.21
No. 1585/15 - WEDNESDAY, JANUARY 21, 2009

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 11/2007

AGRARIAN DEVELOPMENT ACT, No. 46 OF 2000

REGULATIONS made by Minister of Agricultural Development and Agrarian Services under Section 95 read with Sections 22, 23, 25 and 26 of Agrarian Development Act, No. 46 of 2000.

MAITHRIPALA SIRISENA,
Minister of Agricultural Development and
Agrarian Services.

Colombo,
20th January, 2009.

Regulations

1. These regulations may be cited as the Agricultural Land (Management) Regulations No. 01 of 2009.
2. (1) Every owner, cultivator or occupier of any agricultural land or a paddy land, as the case may be, shall maintain standards of cultivation as are hereinafter provided -
 - (a) recommended varieties and strains of crops shall be cultivated ;
 - (b) irrigation water shall be efficiently managed ;
 - (c) the land shall be properly maintained in order to ensure the maximum conservation of soil and water ;
 - (d) the fertility of the soil shall be improved and maintained by the application of chemical fertilizers and organic fertilizers in adequate quantities in such manner and frequencies as is recommended ;
 - (e) necessary steps shall be taken to secure and maintain crops free from diseases and from infestation by insects and other pests ;
 - (f) necessary steps shall be taken for the protection and preservation of crops which are being cultivated and crops harvested or in the process of being harvested ;

(g) necessary steps shall be taken to minimize losses in both quantity and quality of produce when processing such produce for market ;

(h) maintenance and repairs for irrigation works shall be carried out wherever necessary ; and

(2) The Commissioner General may in addition to the matters specified in paragraph 2(1), issue such directions as may be required to ensure the maintenance of standards of cultivation of any agricultural land or paddy land.

(3) (a) Every owner cultivator or occupier of any agricultural land or a paddy land as the case may be, shall ensure that all his duties and obligations arising from the need for common management of land and irrigation works with other owner cultivators or occupiers of a given area, tract or group of agricultural holdings are properly discharged. Such duties may involve any one or more of the following :-

(i) the proper timing of agricultural operations ;

(ii) the efficient management of irrigation water ;

(iii) taking joint measures for conservation of soil ;

(iv) measures for the conservation of water and proper drainage system ;

(v) protection of crops against pests and diseases ;

(vi) ensuring that the prescribed period between the harvesting of any agricultural produce and the marketing thereof, is adhered to.

(b) The Commissioner-General may from time to time issue such directions as may be required to ensure that collective responsibilities of any owner cultivator or occupier are observed.

(4) An owner cultivator or occupier who fails to fulfill the obligations placed on him under this regulation shall be guilty of an offence under the principal enactment.

3. (1) Commissioner General may having regard to the extent, climatic conditions and natural resources of an agricultural land or a paddy land, authorize the cultivation of the following crop -

(a) yearly crops ;

(b) vegetables and yams ;

(c) non perennial green leaves ;

(d) grass.

(2) For the purposes of this regulation the expression “paddy land” shall be construed in accordance with the provisions of section 30 of the principal enactment.

4. (1) Each farmer organization shall for the purpose of collecting information under Section 29 of the principal enactment submit a report to the Agrarian Development Council of the area prepared in accordance with Form A set out in the Schedule to these regulations.

(2) Agrarian Development Council shall submit their observations forthwith to the Commissioner-General, along with the reports submitted by each farmer organization.

(3) The Commissioner-General shall upon receipt of the report under Paragraph (1) -

- (a) make the appropriate identification and publish the notification relating to such identification as required by section 29 of the principal enactment ; and
- (b) notify the relevant farmers organization forthwith of such identification.

5. (1) The Commissioner General shall for the purpose of Section 25 of the principal enactment appoint the following persons to a Supervision Committee -

- (a) Agrarian Development Officer of the area ;
- (b) Agricultural Instructor of the area ; and
- (c) three officers to represent such Departments, Public Corporations and Statutory bodies that deal with Agriculture related affairs and which are functioning in the relevant Agrarian Development Council area.

(2) Commissioner General shall appoint a Chairman from among the members of the Committee.

(3) Where the Chairman is absent from any of the meetings the members present shall elect a Chairman from among themselves.

(4) The Commissioner General shall appoint the Agrarian Development Officer as the Secretary of the supervision committee.

(5) The quorum for any of the meetings of the supervision committee shall be three including the Secretary.

(6) A member of the Supervision Committee shall hold office as long as such member holds the post by virtue of which he is a member of the committee.

(7) Every decision of the committee shall be taken by a majority of votes of the members present.

(8) In the event of equality of votes the person holding the post of Chairman shall have a casting vote.

(9) A member of the Supervision Committee or any person authorized in writing by the Secretary of the Supervision Committee, for the purpose of implementing the provisions of the principal enactment or any regulation made thereunder may at all reasonable times enter upon any extent of agricultural land or a paddy land and may inspect such land.

(10) The provisions of Subsections (3), (4), (5) and (6) of Section 31 of the principal enactment shall *mutatis mutandis* apply to and in relation to a member of the Supervision Committee or any person authorized in writing by the Secretary thereof.

6. (1) Commissioner-General may if he deems that the agricultural land is not being cultivated in accordance with the provisions of the principal enactment, after requiring the owner or occupier to make representations, issue such owner or occupier a Supervision Order as specified in Section 23(1) of the principal enactment.

(2) (a) The notice to make representation under Paragraph (1) shall be made in accordance with the Form B set out in the Schedule hereto.

(b) The Supervision Order referred to in Paragraph (1) shall be made in accordance with the Form C set out in the Schedule hereto.

(3) The effective period of a Supervision Order shall be not more than one year.

(4) Where the Commissioner-General is satisfied that the terms and conditions of a Supervision Order have been fulfilled, Commissioner-General may revoke the supervision order issued in respect of a particular land.

(5) Commissioner-General may extend the period of the Supervision Order for a period not exceeding three months, if the Commissioner-General is satisfied that the failure to complete the work within the time stipulated is justifiable.

(6) (a) Where the Commissioner-General is satisfied that the terms and conditions of a Supervision Order has not been fulfilled or neglected, the Commissioner-General shall issue an order of dispossession as specified in Section 26 of the principal enactment ;

(b) The order of dispossession shall be in accordance with Form D set out in the Schedule hereto ;

(c) Commissioner-General shall before a dispossession order is made shall obtain the written recommendations of the supervision committee ;

(d) It shall be the duty of the Supervision Committee to provide information and assistance when required by the Commissioner-General, accurately and without undue delay.

7. (1) Any notice or order under these regulations may be delivered to the person named therein personally or by registered post or by displaying on the relevant agricultural land or paddy land.

(2) The inability or difficulty in identifying owner cultivator, occupier tenant cultivator, name of the land the boundaries of the land, as the case may be, shall not be a barrier or hindrance for the implementing of the provisions of the principal enactment or these regulations.

(3) Where no information can be collected or the relevant occupiers or cultivators cannot be properly identified in respect of an agricultural land or a paddy land, it shall be lawful for the Commissioner-General or any officer authorized by him to :-

(a) obtain information from the owners or occupiers of the adjoining land to identify the owners or occupiers of the relevant land ;

(b) arrive at a decision based on information obtained from the Divisional Secretariat or similar institution ;

(c) determine the boundaries based on the information available at a glance where boundaries of the relevant land is not accurate.

8. Agricultural Land (Management) Regulations No. 1 of 2008, published in *Gazette Extraordinary* No. 1558/7 of 15th July 2008, is hereby repealed.

9. In these regulations “principal enactment” means Agrarian Development Act, No. 46 of 2000.

Form A

IDENTIFICATION OF PADDY LANDS UNDER SECTION 29 OF THE AGRARIAN
DEVELOPMENT ACT, No. 46 OF 2000

1. Agrarian Development Council's area of authority :
 2. Grama Niladhari Division :
 3. Unit/Yaya :
 4. Irrigation system : nourished by rain water :
 5. Names of the Owner cultivators/Occupier : Address :
 6. Name of the paddy land : Extent :
 7. Boundaries :
 1. North by :
 2. South by :
 3. East by :
 4. West by :
 8. The season last cultivated :
 9. Reasons for not cultivating :
 - (a) dearth in labour for agricultural activities ;
 - (b) non-availability of a regular supply of water ;
 - (c) destruction by wild animals ;
 - (d) environmental disturbances ;
 - (e) physical damages ;
 - (f) pollutants ;
 - (g) not being effective economically ;
 - (h) any other factors that can be identified.
 10. Report of the Farmer Organization :
- The Food crops recommended for the paddy land :

.....
Signature
Seal
Farmer Organization.

Date :

Form B

My No.
Agrarian Services Centre,
..... day of 200

.....
.....

Sir / Madam

NON-COMPLIANCE WITH THE PROVISIONS OF THE AGRARIAN DEVELOPMENT ACT, No. 46 OF 2000

PRIOR NOTICE

Your attention is hereby drawn to the provisions of Section 22(2) of the Agrarian Development Act, No. 46 of 2000.

2. I have been reported that you have failed to cultivate or cause the cultivation of or failed to manage efficiently the agricultural land set out in the schedule hereto and I also have been informed that the said land is suitable for cultivation.
3. therefore you are hereby noticed to cultivate your agricultural land to the aforesaid use and if you fail to do so you shall be placed under a Supervision Order issued under Section 23 of the Act or you shall be sent an Order of Dispossession under Section 26 of the Act and you shall be liable to pay a penalty under Section 96 of the Act.

SCHEDULE

The Agriculture land called and known as contain in extent situated in the village in the Grama Niladhari Division of with in the Agrarian Development Council Limits of and which said land is bounded as follows :

North by :.....
South by :.....
East by :.....
West by :.....

Yours faithfully,

Commissioner General of
Agrarian Development.

Form C

My ref :
Date :

Mr / Mrs.
.....

AGRARIAN DEVELOPMENT ACT, No. 46 OF 2000

SUPERVISION ORDER

SUBSECTION (1) OF SECTION 23

Since it has been confirmed that you as the owner cultivator/occupier of the agricultural land described in the Schedule hereto, have failed to cultivate effectively, the said land in accordance with the provisions of section 22 of this Act and the regulations made thereunder, I hereby issue a Supervision Order on such land for the following period.

During the period within which the land is placed under my supervision you shall carry out the work in compliance with the regulations made under section 22(1) and 22(2) of the Act.

<i>Work to be carried out</i>	<i>Period of supervision</i>
1. Preparation of the land, clearing of the wood, construction of fences	before
2. Sowing and cultivation of crops	before
3. Watching of the crop and harvesting	before

SCHEDULE

The Agricultural land called and known as containing in extent, situated in the village in the Grama Niladhari Division of within the Agrarian Development Council Limits of and which said land is bounded on the -

North by :
South by :
East by :
West by :

Yours faithfully,

Commissioner General of
Agrarian Development.

Copies :

- | | |
|--|-------------------------------------|
| 1. Agrarian Development Officer | To report after the prescribed date |
| 2. Agricultural Research and Production Assistant | do. |
| 3. Chairman, Agrarian Development Council | do. |
| 4. Divisional Secretary, Divisional Agricultural Committee | do. |

Form D

My reference :

Date :

Mr / Mrs.

.....

AGRARIAN DEVELOPMENT ACT, No. 46 OF 2000

ORDER OF DISPOSSESSION

SUBSECTION (1) OF SECTION 26

I have found that land specified in the Schedule below which was placed under my supervision for a period of by the Order of Supervision dated sent by me to you, has not been satisfactorily cultivated.

Therefore you are hereby informed that you are dispossessed of the right to cultivate and to obtain the harvest from the said land for a period of ending on

If you are aggrieved by this Order you can appeal against it to the secretary to the Ministry, in terms of the provisions of section 26(2) of the Act within 30 days on receipt of this Order.

Yours faithfully,

Commissioner General of
Agrarian Development.

SCHEDULE

The Agricultural land called containing in extentA.....R.....P and situated in the village in the Grama Niladhari Division of within the Agrarian Development Council Limits of in the District ofand bounded as follows :

North by :

South by :

East by :

West by :

Copies :

- | | | |
|---|---|--------------------------------------|
| 1. Executive Secretary | - | for information and necessary action |
| 2. Agricultural Research and Production Assistant | - | do. |
| 3. Owner of the land | - | for information |

Form E

My reference :
Agrarian Development District Office,
.....
.....
Date :

Mr / Mrs.
.....

AGRARIAN DEVELOPMENT ACT, No. 46 OF 2000

ORDER OF EVICTION

SECTION 26

01. This refers to my letter of even number and the Order dated sent to you by me.

02. You are hereby ordered under the provisions of section 26 of the aforesaid Act to vacate the land specified in the Schedule below on or before and to hand over the possession and occupation of the said land to the Executive Secretary of the Agrarian Development Council of

03. If you fail to vacate the said premises on or before the date specified herein, steps will be taken to evict you from the same under Section 8(2) read with Section 38 of the aforesaid Act.

Yours faithfully,

Commissioner General of
Agrarian Development.

SCHEDULE

The Agricultural land called containing in extentA.....R.....P and situated in the village in the Grama Niladhari Division of within the Divisional Secretaries Division of in the District ofand bounded as follows :

North by :.....
South by :.....
East by :.....
West by :.....

Copies :

- | | | |
|--|---|--|
| 1. Executive Secretary Agrarian Development Council of | - | For information and report the required date |
| 2. Agricultural Research and Production Assistant | - | do. |
| 3. Farmer Organization | - | do. |
| 4. Land Owner | - | for information |