



AGRICULTURAL PRODUCTIVITY
LAW, No. 2 OF 1972
OF
THE NATIONAL STATE ASSEMBLY

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A LAW TO PROVIDE FOR MAXIMUM PRODUCTIVITY THROUGH THE PROPER USE AND MANAGEMENT OF AGRICULTURAL LAND AND THE EFFICIENT MANAGEMENT OF AGRICULTURAL CROPS AND LIVESTOCK; TO PROVIDE FOR THE ESTABLISHMENT OF AGRICULTURAL PRODUCTIVITY COMMITTEES; TO PROVIDE FOR THE ESTABLISHMENT OF AGRICULTURAL TRIBUNALS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Agricultural Productivity Law, No. 2 of 1972.

Short title.

PART I

FARMING AND MANAGEMENT OF AGRICULTURAL LAND

2. (1) It shall be the duty of every owner or occupier of any agricultural land to farm such land with such crops or breeds of livestock as are best suited for the land, having regard to the extent and the situation and the natural resources of the land, and to manage it in accordance with the rules of good management as are hereinafter provided by this Law or any regulations made thereunder, with a view to improving the productivity and maintaining efficient standards of production both as to quantity and quality of the produce.

Duties of owners or occupiers relating to the farming and management of agricultural lands.

(2) Where the owner is not in occupation of such agricultural land and the occupier is in possession by virtue of a formal or informal agreement with the owner, it shall be the duty of the owner, unless there is an express provision to the contrary in any agreement, to provide the capital works and equipment necessary to enable the occupier to farm such land and maintain an efficient standard of production.

(3) Subject to the provisions of subsection (2), in determining whether the occupier in possession of an agricultural land is farming and managing the land in accordance with the rules of good management, regard shall be had to the extent to which the owner provides improvements and maintains the capital works and equipment necessary for efficient production.

(4) The responsibilities under the rules of good management of an owner of any agricultural land in occupation by another person shall not, in relation to the maintenance of capital works and fixed equipment, include an obligation to do anything which that other person is under an obligation to do by virtue of any agreement.

Standards of
good
management.

3. (1) Without prejudice to the generality of the provisions of section 2, the owner or occupier of any agricultural land shall,—

(a) carry out all such duties and obligations in respect of his agricultural land; and

(b) fulfil all such obligations in respect of maintaining the productivity of the agricultural land of the area, tract or group of holdings within which his land is located,

as are specified in this Law or under any regulations made thereunder.

(2) The owner or occupier of any agricultural land shall, in addition to such other duties as the Minister may in his discretion specify, ensure that—

(a) only recommended varieties and strains of crops and breeds of livestock are used;

(b) the manner in which the agricultural land is being cropped is such as to maintain that land clean and in a good state of cultivation and fertility and in good condition including proper drainage;

(c) irrigation water is efficiently managed;

(d) the land is properly maintained in order to ensure the maximum conservation of soil and water;

(e) the fertility of the soil is improved and maintained by the application of fertilizer or manure in adequate quantities;

(f) according to the type of agricultural operation undertaken, an efficient standard of management is maintained in the cultivation of crops or the keeping of livestock;

(g) the necessary steps are taken to secure and maintain crops and livestock free from disease and from infestation by insects and other pests;

- (h) the necessary steps are taken for the protection and preservation of growing crops and crops harvested or in the course of being harvested;
- (i) the necessary steps are taken to minimize losses in both quantity and quality of produce in the processing for the market; and
- (j) the maintenance and repair work is carried out wherever necessary.

(3) The owner or occupier of any agricultural land shall take the necessary steps to ensure that all his duties and obligations arising from the need for common management of land over a given area, tract or group of agricultural holdings are properly discharged. Such duties may involve any one or all of the following:—

- (a) the proper timing of agricultural operations;
- (b) the efficient management of irrigation water;
- (c) joint measures for conservation of soil;
- (d) water conservation and drainage;
- (e) protection against pests and diseases;
- (f) any other collective responsibilities which may be prescribed by regulations under this Law for efficient land use and the improvement of agricultural productivity; and
- (g) ensure that the prescribed period between the harvesting of any agricultural produce and the marketing thereof, is adhered to.

4. An owner or occupier who fails to fulfil the obligations placed on him by sections 2 and 3 of this Part shall be guilty of an offence under this Law.

Failure to carry out provisions of sections 2 and 3 of the Law.

5. The responsibilities under the provisions of this Part of an occupier of an agricultural land which is not owned by him shall not include an obligation to carry out any work of maintenance or repair which the owner of the land or any part thereof is under an obligation to carry out.

Where owner is under obligation for maintenance and repair, occupier of land not bound for such repair and maintenance.

6. (1) Where the Minister is satisfied that any agricultural land is not being farmed or that the owner or occupier of any agricultural land does not fulfil his responsibilities to manage the land in accordance with the provisions of section 2 or of section 3

Supervision Orders.

or of any regulations made under this Law, the Minister may, after giving the owner or occupier of such agricultural land an opportunity of making representations to him or his authorized representative, by Order (hereinafter referred to as a "Supervision Order") place the owner under the Minister's supervision so far as relates to the management of the land, or the occupier under the Minister's supervision so far as relates to the farming of the land, as the case may be.

(2) Every Supervision Order shall be sent by registered post to the person to whom it relates and a copy of such Order shall be sent to the Agricultural Productivity Committee of the area within which such agricultural land is situated. Such Order shall be deemed to be served on such person if one copy of such Order is sent by registered post to his last known address and a copy thereof exhibited in a conspicuous place in or upon such land:

Provided, however, that where there are several owners or occupiers of such land and the addresses of such owners or occupiers cannot be ascertained, the exhibition of such Order in a conspicuous place in or upon the land shall be deemed to be service of the Order on all the owners and occupiers thereof.

(3) While a Supervision Order is in force any person authorized by the Minister in that behalf may—

(a) at all reasonable times enter upon the land to which the Order relates for the purpose of inspecting and observing the manner in which the land is being managed or farmed, as the case may be;

(b) by notice in writing give any direction to the owner or occupier of the land in question in order to ensure that such person is acting in accordance with the standards of good management and farming as laid down in this Law or by any regulations made thereunder.

(4) A Supervision Order issued under subsection (1) may be revoked by the Minister if he is satisfied that the owner or occupier of the agricultural land is complying with the standards of good management and farming laid down in this Law or by any regulations made thereunder:

Provided that the revocation of such Order shall not affect the carrying out of any direction given before the revocation of the Order.

(5) Where a Supervision Order is revoked, notice of such revocation shall be served on the person in the same manner as the Supervision Order was served and a copy of such notice shall also be sent to the Agricultural Productivity Committee of the same area.

(6) Any person who contravenes or fails to comply with any direction given under paragraph (b) of subsection (3) or obstructs any authorized person in the exercise of any powers conferred on that person by paragraph (a) of that subsection shall be guilty of an offence.

7. (1) Where after a Supervision Order has been in force for a period of twelve months, the Minister is satisfied on the report of any authorized person under subsection (3) of section 6 that no satisfactory improvement has been shown notwithstanding any direction given under that subsection, the Minister may make an Order of Dispossession.

Orders of
Dispossession.

(2) The provisions of subsection (2) of section 6 shall apply to the service of the Order of Dispossession made under subsection (1) of this section.

(3) The land in respect of which an Order of Dispossession is made shall from the date of such Order vest in the Government:

Provided, however, that when the occupier of the land is not the owner thereof, the land shall not be so vested but shall on the recommendation of the Agricultural Productivity Committee within whose area of authority the land is situated be let to a suitable person.

(4) The person on whom an Order of Dispossession under subsection (1) is made may within fourteen days of the receipt of such Order make a written appeal against the making of such Order to the Agricultural Tribunal.

8. Upon an Order of Dispossession being made and served, the person on whom the Order is served shall within the period specified in the Order vacate such land referred to in the Order.

Vacation of
land referred
to in
Order of
Dispossession.

Eviction of
persons
failing to
vacate land.

9. Where any person on whom an Order of Dispossession has been served, fails to vacate the land within the period specified in such Order, a person authorized by the Minister in that behalf shall, on application made to the Magistrate's Court having jurisdiction over the place where the land is situated, be entitled to an order of the Court directing the Fiscal to forthwith evict the person in occupation of such land.

Claims to
compensation
in respect of
agricultural
lands vested
in the
Government.

10. Any owner or occupier whose right, title or interest is affected by an Order of Dispossession may, within a period of one month from the date on which such Order of Dispossession is served, make a written claim for compensation to an officer authorized by the Minister (hereinafter referred to as "the authorized officer"), specifying in such claim—

- (a) his name and address;
- (b) the nature of his interest in such land;
- (c) the particulars of his claim; and
- (d) how much of compensation is claimed by him.

Determination
of compen-
sation.

11. (1) The authorized officer shall, as soon as possible after the receipt of a claim for compensation in respect of any agricultural land made by any person under section 10, refer to the Chief Valuer the determination of the compensation payable in respect of such land.

(2) Where there is any dispute as to the persons entitled to compensation in respect of any agricultural land vested in the Government, the authorized officer shall defer referring to the Chief Valuer the determination as to the compensation payable in respect of such land and shall refer the dispute for decision to the appropriate court of civil jurisdiction, and shall, after such court makes its decision on such dispute, refer such claims to the Chief Valuer.

(3) The Chief Valuer shall give all claimants to compensation in respect of any agricultural land vested in the Government an opportunity to adduce before such Valuer in person or by a representative authorized by such person in that behalf evidence with regard to the value of such land, and shall make a determination as to the compensation payable for such land.

12. On receipt of the determination of the Chief Valuer, the authorized officer shall make an award as to the compensation payable in respect of the agricultural land which is the subject-matter of such determination, and shall give notice of such award to the person or persons entitled to such compensation.

The authorized officer to make an award as to the amount of compensation.

13. (1) Where no claim to the compensation payable in respect of any agricultural land vested in the Government is received from any person, other than the former owner of such land, the authorized officer shall cause such compensation to be paid to such former owner.

Payment of compensation.

(2) Where any claim to the compensation payable in respect of any agricultural land vested in the Government is received from any person, other than the former owner of such land, then, if every such claimant and the former owner amicably agree in writing as to the persons entitled to the compensation and the apportionment of the compensation among them, the authorized officer shall cause the compensation to be apportioned and paid to such persons according to such agreement. If there is no such agreement, the authorized officer shall cause the compensation to be paid to any appropriate court of civil jurisdiction to be drawn by the persons entitled thereto.

14. Where any compensation payable to any person under this Law is not accepted by him when it is tendered to him, or where such person is dead or is not in existence or is not known, it shall be paid to any appropriate court of civil jurisdiction to be drawn by the person or persons entitled thereto.

Provision for cases where compensation is not accepted, &c.

15. (1) Where a person is entitled to compensation in respect of any agricultural land vested in the Government under this Law, the authorized officer shall deduct or withhold from the amount of such compensation such sums as are authorized or required to be deducted or withheld under this Law.

Deductions from compensation.

(2) For the purposes of this section, the expression "compensation" includes any interest which has accrued due on such compensation.

When compensation accrues due.

16. The compensation payable in respect of any agricultural land vested in the Government under this Law shall be considered as accruing due from the date on which that land was so vested.

Persons dissatisfied with the amount of compensation awarded may appeal therefrom to the Board of Review constituted under the Land Acquisition Act.

17. (1) Where any person is dissatisfied with the amount of compensation awarded to him under section 12 such person may appeal against the award to the Board of Review constituted under the Land Acquisition Act (hereinafter referred to as "the Board of Review") which is hereby vested with jurisdiction to entertain, hear and decide such appeal.

(2) Every appeal under subsection (1) shall be in writing and be addressed to the Chairman of the Board of Review and be transmitted to, or delivered at, the office of that Board.

(3) Every appeal under subsection (1) shall—

- (a) state the name and address of the appellant;
- (b) mention as the respondent the authorized officer who made the award against which the appeal is preferred;
- (c) contain a concise statement of the description of the agricultural land in respect of which the award was made; and
- (d) state the amount of compensation claimed by the appellant and the reasons why he considers the amount awarded by the respondent to be insufficient.

(4) No appeal under subsection (1) shall be entertained by the Board of Review unless it is preferred within twenty-one days after the date on which notice of the compensation under section 12 of this Law was received by the appellant.

Application of certain sections of the Land Acquisition Act in relation to appeals to the Board of Review under this Law.

18. (1) The provisions of section 24 of the Land Acquisition Act shall apply to proceedings before the Board of Review on any appeal to that Board under this Law.

(2) The provisions of section 25 of the Land Acquisition Act shall apply in relation to the decision of the Board of Review on any appeal to that Board.

under this Law subject to the following modifications :—

(a) subsection (4) of that section shall have effect as though the proviso thereto were omitted; and

(b) subsections (3) and (4) of that section shall have effect as though for the expression "section 17" occurring in those subsections, there were substituted the expression "section 11".

19. An award of the authorized officer or if instead of that award, a new award has on appeal to the Board of Review been made by that Board, such new award shall be final and conclusive and shall not be called in question in any court, whether by way of writ or otherwise.

Finality
of an
award made
under this
Law.

20. Where an award is made under section 12, the authorized officer shall tender to the person who is entitled to compensation according to that award the amount of compensation allowed to him by the award or, if in lieu of that amount a new amount has been allowed as compensation by a decision of the Board of Review on an appeal by him to that Board, tender that new amount to him, and shall pay the tendered amount to him if he consents to receive it.

Tender and
payment of
compensation.

21. The authorized officer may before the determination of a claim for compensation under this Law pay to a person whom he considers entitled to such compensation an advance, and any sum so paid shall be deducted from the amount of the compensation awarded to him under section 12.

Power of the
authorized
officer to pay
advances on
account of
compensation.

22. The mode and manner of payment of compensation under this Law shall be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Mode and
manner of
payment of
compensation.

PART II

AGRICULTURAL PRODUCTIVITY COMMITTEES

23. (1) There shall be an Agricultural Productivity Committee for each area determined by the Minister.

Agricultural
Productivity
Committees.

(2) Each such Committee shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The members of each such Committee shall be appointed by the Minister and shall consist of not more than ten persons appearing to the Minister to represent the interests of persons engaged in agriculture or such other persons as the Minister may think necessary should be appointed :

(4) The Minister shall designate a member of the Committee as the Chairman of the Committee and another member as the Vice-Chairman of such Committee.

(5) The term of office of any member of such Committee shall be three years, but a member who ceases to hold office by effluxion of time shall be eligible for reappointment.

(6) Any member of the Committee may resign office by letter addressed to the Minister.

(7) Where a member is temporarily unable to discharge the duties of his office on account of ill health, absence from Sri Lanka or any other cause, the Minister may appoint some other person to act as a member in his place.

(8) If the Minister is satisfied that any member of the Committee is incapacitated by infirmity of mind or body from discharging the duties of his office or is otherwise unsuited to continue to discharge such duties, the Minister may terminate his appointment and appoint another member to such Committee:

Provided, however, that a member appointed in place of a member who is removed from or otherwise vacates office shall hold office for the unexpired period of the term of office of the member who he succeeds unless the member so appointed is earlier removed from or otherwise vacates office.

(9) A Member of the National State Assembly shall not be qualified to be a member of the Committee.

(10) The Chairman of the Committee shall preside at every meeting of the Committee at which he is present and in the absence of the Chairman, the Vice-Chairman of such Committee shall preside.

(11) Subject to the other provisions of this Law, an Agricultural Productivity Committee shall have the power to fix and regulate its own procedure including the power to determine the number of members necessary to form a quorum.

24. (1) Notwithstanding anything to the contrary in any other law an Agricultural Productivity Committee so established shall be charged within the area of its authority with the duty of promotion, co-ordination and development of agriculture, of assisting in the formulation of implementation programmes and targets for the production of crops and livestock and of exercising such powers as the Minister may entrust to such Committees under this Law or by any regulations made thereunder.

(2) Without prejudice to the generality of the provisions of subsection (1) an Agricultural Productivity Committee shall have power—

- (a) to acquire, to hold, take or give on lease, or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property;
- (b) to prepare and maintain a register in the prescribed manner of all agricultural lands within the area of authority of such Committee;
- (c) to order any person having any interest in any land or carrying out any agricultural operation within the area of authority of such Committee to provide any information and to produce for inspection any deeds or other documents relating to that land or to that operation;
- (d) to prepare and submit to the Minister for implementation by regulations made under this Law, schemes for ensuring the efficient farming of agricultural lands and their management, maintenance and improvement;
- (e) to prepare and submit to the Minister for implementation by regulations, schemes for the consolidation of agricultural lands;
- (f) to impose on and collect from an owner or occupier of agricultural land an acreage tax not exceeding six rupees per acre per year and any other charges levied for services rendered under this Law;
- (g) to utilize the moneys of such Committee to defray the expenses incurred in the exercise or performance of its powers and duties and for such purposes as may be prescribed;

(h) to maintain and operate an account in such bank as may be determined by such Committee.

(3) Further powers and duties may be conferred on Agricultural Productivity Committees by regulations made under this Law.

(4) Every such Committee shall in the exercise of its powers and the discharge of its duties be subject to the general direction of the Minister or such delegated authority as may be prescribed.

(5) It shall be the duty of the Chairman of each Agricultural Productivity Committee to maintain the accounts of such Committee in such form and manner as the Minister may, from time to time, direct. Such accounts shall be audited annually in accordance with any direction given in that behalf by the Minister, and shall be submitted to the Minister as soon as possible after such audit.

Powers of the
Minister.

25. Where an Agricultural Productivity Committee after being directed by the Minister to exercise, perform or discharge any power, duty or function conferred or imposed on or assigned to such Committee by or under this Law or by any regulations made thereunder, fails to do so within the time specified in the direction, the Minister may exercise, perform or discharge such power, duty or function, and any act so done by the Minister under the provisions of this section shall be deemed to have been done by such Committee.

Recovery of
costs.

26. All expenditure properly incurred by an Agricultural Productivity Committee in the discharge of its functions in relation to any agricultural land or operation carried therein shall be recoverable by such Committee from the owner or occupier of such land and such Committee shall also have a lien on the produce of such land in respect of the amount so recoverable.

27. Each Agricultural Productivity Committee shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

Agricultural Productivity Committee deemed to be a scheduled institution within the meaning of the Bribery Act.

28. It shall be lawful for such Committee, subject to the approval of the Minister given with the concurrence of the Minister in charge of the subject of Finance, to borrow from the Government or any approved lending institution or institutions such sum or sums of money as may be necessary for or conducive or incidental to any of the functions of such Committee.

Power to borrow money.

29. An Agricultural Productivity Committee may appoint such servants or agents as it deems fit for the exercise of its powers and the discharge of its duties.

Appointment of servants or agents.

PART III AGRICULTURAL TRIBUNALS

30. (1) For the purposes of this Law the Minister may, by Order published in the *Gazette*, constitute such number of areas as he may consider expedient for which Agricultural Tribunals may be established in the manner hereinafter provided.

Establishment and constitution of Agricultural Tribunals.

(2) Each Agricultural Tribunal shall consist of not more than eight members appointed by the Cabinet of Ministers, on the recommendation of the members for the time being of the Judicial Services Advisory Board, one at least of whom shall be a proctor or advocate, with at least five years professional experience.

(3) The Cabinet of Ministers shall appoint one of the members to be the Chairman and another member to be the Vice-Chairman of each Tribunal.

(4) Every member of a Tribunal shall, unless he earlier vacates office or is removed therefrom, hold office for a period of three years. Any member of a Tribunal who vacates office by effluxion of time shall be eligible for reappointment:

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Provided, however, that a member appointed in place of a member who is removed from or otherwise vacates office, shall hold office for the unexpired term of office of the member whom he succeeds unless the member so appointed is earlier removed from or otherwise vacates office.

(5) There shall be appointed a Secretary to each Tribunal.

(6) The members of each Tribunal shall be remunerated at such rate as may be prescribed.

Meetings of
Agricultural
Tribunals.

31. (1) The Secretary shall under the direction of the Chairman of, each Agricultural Tribunal convene meetings of the Tribunal. The Chairman and three other members shall be summoned to a meeting of the Tribunal. Every meeting of the Tribunal shall include a lawyer member. The quorum of the Tribunal shall be three members.

(2) The Chairman of the Tribunal shall preside at every meeting of the Tribunal. The Vice-Chairman of the Tribunal shall preside at every meeting of the Tribunal in the absence of the Chairman. In the absence of the Chairman or the Vice-Chairman, the members of the Tribunal summoned to a meeting shall choose from among the members a chairman for that meeting.

(3) A meeting of a Tribunal may from time to time be postponed or adjourned.

Right of
appeal, &c.

32. (1) Any person on whom an Order of Dispossession has been served under the provisions of this Law may, within fourteen days of such service, appeal to the Agricultural Tribunal of the area within which the land to which the Order relates is situated.

(2) Where the Minister or an Agricultural Productivity Committee is of opinion that there is a dispute relating to the management or farming of any agricultural land the Minister or such Agricultural Productivity Committee may refer such dispute to the Agricultural Tribunal of the area within whose jurisdiction the land in respect of which such dispute has arisen is situated for the determination of such Tribunal.

(3) Every appeal or reference to an Agricultural Tribunal shall—

(a) be in writing and state the name and address of the appellant or the person at whose instance the reference is made;

(b) mention the respondent to such appeal;

(c) contain a plain and concise statement of the appellant's interest in the land or the dispute.

(4) Every appeal or reference shall be addressed to the Chairman of the Tribunal and shall be transmitted or delivered at the office of the Tribunal.

(5) Every appeal or reference shall contain—

(a) a list of witnesses intended to be called at the hearing of such appeal or the consideration of such reference; and

(b) a list of documents intended to be produced at the hearing of such appeal or for the consideration of such reference.

33. (1) Every appeal or reference to an Agricultural Tribunal shall be heard or considered at a meeting of the Tribunal.

Proceedings
before
Agricultural
Tribunals.

(2) The Secretary shall fix a time and place for the hearing of each appeal or the consideration of any reference and shall give twenty-one days' notice thereof in writing to the appellant and the respondent thereto.

(3) The appellant and the respondent to an appeal shall attend personally or by an agent or agents duly authorized in writing the meetings of the Tribunal at which the appeal is heard.

(4) The Chairman of the Tribunal and, in his absence, the person who is chairman of any meeting of the Tribunal shall, for the purposes of the hearing of any appeal or reference by the Tribunal, have all the powers of a District Court—

(a) to summon and compel the attendance of witnesses,

(b) to compel the production of documents, and

(c) to administer any oath or affirmation to witnesses.

(5) Section 142 of the Civil Procedure Code and section 132 of the Evidence Ordinance shall apply to a witness in any proceedings before the Tribunal as though those proceedings were proceedings before a civil court.

(6) The Secretary shall, in respect of every appeal heard by the Tribunal or reference made to the Tribunal, keep a record of all such proceedings before the Tribunal as relate to that appeal or reference.

Decisions of
Agricultural
Tribunals.

34. (1) The decision made at a meeting of an Agricultural Tribunal on an appeal or reference heard at that meeting shall be deemed to be the decision of the Tribunal on that appeal or reference.

(2) Where the members of the Tribunal who hear an appeal or reference disagree with regard to the decision on the appeal or reference, the decision of the majority of them shall be the decision of the Tribunal on the appeal or reference, and, where the members are equally divided in their opinion, the decision supported by the chairman of the meeting at which the appeal or reference is heard shall be the decision of the Tribunal on the appeal or reference.

(3) Every decision of the Tribunal shall contain the reasons therefor.

(4) On application to the District Court within whose jurisdiction the subject-matter of the dispute is situated, every decision of the Tribunal shall be enforced as if it were a decree of that court, and accordingly the provisions of the Civil Procedure Code shall apply to the execution of such decree.

Finality of
decisions of
Agricultural
Tribunal.

35. Save as provided in section 36, a decision of an Agricultural Tribunal shall be final and shall not be called in question in any court.

Appeal on
question of
law to the
Supreme
Court.

36. (1) Where a party to an appeal or reference to an Agricultural Tribunal is dissatisfied with the Tribunal's decision on that appeal or reference he may, by written petition in which the other party is mentioned as the respondent, appeal to the Supreme Court against that decision on a question of law.

(2) A petition of appeal under subsection (1) shall state the question of law to be argued, shall bear a certificate by an advocate or a proctor that such question is fit for adjudication by the Supreme Court, and shall be presented in triplicate to the Secretary of the Tribunal by the appellant within twenty-one days after the date of the Tribunal's decision against which the appeal is preferred.

(3) When a petition of appeal is presented to the Tribunal in the manner and within the time specified in subsection (2), the Secretary of the Tribunal shall—

(a) transmit to the Supreme Court one of the copies of the petition of appeal together with the record of the proceedings in which the decision against which the appeal has been preferred was made, and

(b) issue notice of the appeal to the respondent named in the petition of appeal together with a copy of the petition of appeal.

(4) No stamp duty shall be required in any proceedings before the Supreme Court relating to an appeal under subsection (1).

(5) The decision of the Supreme Court on an appeal under subsection (1) shall be final.

PART IV

AGRICULTURAL CO-OPERATIVE SOCIETIES

37. (1) The Minister may, in consultation with the Minister in charge of the subject of Co-operative Development, establish Agricultural Co-operative Societies in each Agricultural Productivity Committee area consisting of the cultivators of the agricultural lands within that area. Such Society may accept as members the cultivators whose aggregate holdings in the area do not exceed the extent prescribed under this Law.

Agricultural
Co-operative
Societies.

(2) Agricultural Co-operative Societies established under subsection (1) may be amalgamated to form an Agricultural Co-operative Union for the administrative district.

(3) All Agricultural Co-operative Societies formed under this Part shall be subject to the provisions of the Co-operative Societies Ordinance and the regulations made thereunder, so far as they do not contravene the provisions of this Law.

(4) An Agricultural Co-operative Society may perform all or any of the following functions—

- (i) obtain agricultural advances in proportion to the areas of lands owned by its members;
- (ii) supply the farmers with working capital, including the necessary seeds, fertilizers, insecticides, cattle, pumps, agricultural machinery and provide facilities for storage and transportation of crops;
- (iii) organize the farming of the land and its utilization in the best possible manner including the selection of seeds, the classification of crops, the combating of agricultural pests and weeds and the construction of canals and drains;
- (iv) sell the produce of the members subject to such conditions as may be agreed upon; and
- (v) take all such measures for the welfare of its members.

(5) An Agricultural Co-operative Society shall conduct its activities under the supervision of an officer appointed by the Minister on the advice of the Commissioner of Co-operative Development. Such officer may be in charge of more than one Agricultural Co-operative Society.

(6) The Minister may, with the concurrence of the Minister in charge of Co-operative Development, prescribe the articles of association for an Agricultural Co-operative Society subject to the provisions of this Law.

Agricultural
Co-operative
Leasehold
Societies.

38. (1) An Agricultural Co-operative Society established under this Law may secure on lease from the respective owners any agricultural land, within its area of jurisdiction and farm such land under the joint management and operation of such Agricultural Co-operative Society (hereinafter referred to as an "Agricultural Co-operative Leasehold Society").

(2) An Agricultural Co-operative Leasehold Society may, where it is unable to secure the agreement of the owner or owners of such lands on the rent payable, make application to the Agricultural Productivity

Committee to determine the rent. Any decision made by the Agricultural Productivity Committee shall be subject to appeal to the Minister and the decision of the Minister shall be final.

(3) Nothing in subsection (2) shall prevent the Minister from referring such dispute to an Agricultural Tribunal established under this Law.

(4) The Minister may, on application made to it by the Agricultural Productivity Committee, order that any agricultural land within its jurisdiction be compulsorily brought under the provisions of this section.

(5) The rentals fixed for lands leased to an Agricultural Co-operative Leasehold Society under this section may be revised from time to time.

(6) Notwithstanding the provisions of subsection (1) an Agricultural Co-operative Leasehold Society may reallocate the lands leased under this section among its individual members subject, however, to the general supervision and the control of such Agricultural Co-operative Leasehold Society over the agricultural operations carried on in or upon the land.

(7) Membership of any Agricultural Co-operative Society established under this Law shall, as far as possible, be confined to persons who cultivate land within the limits of the Agricultural Co-operative Society or who reside within such area and are actually engaged in farming the land.

39. The Minister may, in consultation with the Minister in charge of the subject of Co-operative Development, make regulations to establish in any area serviced by an Agricultural Productivity Committee a system of Small-holders Service Co-operatives as an initial step towards the transition of development of agricultural land from the present system of individual and independent holdings to co-operative or collective system of production.

Small-holders
Service
Co-operatives.

PART V

GENERAL

40. (1) The Minister may delegate either generally or specially by name or by office to an authority named by him by Order published in the *Gazette* all or any

Minister may
delegate
powers.

of the powers, other than the power to make regulations under section 41 conferred upon him and all or any of the matters required to be performed by him or under this Law or by or under any regulations made thereunder.

(2) Any person so delegated may authorize his staff at all reasonable times to enter upon any agricultural land for the purpose of inspecting such land, observing the manner in which it is being managed and giving directions to the owner or occupier in relation to matters referred to under this Law or under any regulations made thereunder.

Power to
make
regulations.

41. (1) The Minister may from time to time make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters:—

- (a) the mode and the methods of farming of agricultural lands;
- (b) with the concurrence of the Minister in charge of Plantation Industries, the utilization of land in tea, rubber and coconut plantations including the utilization for other crops and for animal husbandry;
- (c) the regulation, control, supervision, direction, management and inspection of all agricultural lands;
- (d) all matters which are required by this Law to be prescribed or in respect of which regulations are required to be made;
- (e) all matters incidental to or connected with the matters referred to in this Law.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified therein.

(4) Every regulation made by the Minister shall as soon as convenient after its publication in the *Gazette* be brought before the National State Assembly for

approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

42. (1) Any person who contravenes or attempts to contravene the provisions of this Law or any regulation made thereunder shall be guilty of an offence under this Law.

Offences and penalties.

(2) Every person who commits an offence under this Law or under any regulations made thereunder shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a period not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

43. No suit or prosecution shall lie against a state officer or any member of a Committee or Tribunal appointed by or under this Law or by any regulation made thereunder or against any officer, servant or agent of such Committee or Tribunal for any act which in good faith is done or purported to be done by him under this Law or under any regulations made thereunder.

No suit to lie against members of Committees or Tribunals, &c.

44. (1) There shall be established a fund to be known as the Agricultural Productivity Fund.

Agricultural Productivity Fund.

(2) There shall be paid into the fund—

(a) all fines imposed by a court for any offence under this Law;

(b) all sums required under this or any other Law to be paid into the fund;

(c) all such sums of money as may be voted from time to time by the National State Assembly to the fund;

(d) any such sums of money as may be paid into the fund out of the Consolidated Fund.

(3) The moneys of such fund may be utilized for the improvement and development of agricultural

productivity in Sri Lanka. The Secretary to the Ministry shall be responsible for the administration of the fund.

(4) The accounts of the fund shall be maintained in such form and shall contain such particulars as the Minister may, with the concurrence of the Minister of Finance, may from time to time specify.

(5) The accounts of the fund for each financial year shall be audited by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(6) The Secretary to the Ministry shall, as soon as possible after the end of each financial year, transmit the report of the Auditor-General together with the statement of accounts of the fund for tabling in the National State Assembly.

(7) The financial year of the fund shall be the period of twelve months commencing on the first day of January each year.

Provisions of
this law to
prevail over
any other law.

45. The provisions of this Law shall have effect notwithstanding anything contained in any other written law and accordingly, in the event of any conflict or any inconsistency between the provisions of this Law and such other written law, the provisions of this Law shall prevail.

Interpretation.

46. In this Law, unless the context otherwise requires—

“ agricultural holding ” means lands which are managed as a single unit for agricultural purposes, including all blocks of land under common management and any other land attached to a holding which the Minister considers could be efficiently used for agriculture;

“ agricultural land ” means land used or capable of being used for agriculture within the meaning given in this Law and shall include private lands, lands alienated under the Land Development Ordinance or the Crown Lands Ordinance or any other enactment but shall exclude home gardens;

“ agricultural produce ” includes anything (whether live or dead) produced in the course of agriculture;

“ agriculture ” includes—

(i) the growing of rice, all field crops, spices and condiments, industrial crops, vegetables, fruits, flowers, pasture and fodder;

(ii) dairy farming, livestock rearing and breeding;

(iii) plant and fruit nurseries;

“ capital works ” include land development, land levelling, soil and water conservation works, field irrigation channels and structures, drainage and works;

“ fixed equipment ” includes any buildings, structures or machinery affixed to or appurtenant to such land required for agricultural purposes ;

“ home garden ” means an allotment not exceeding $\frac{1}{2}$ acre which is wholly or mainly cultivated by the owner or occupier for the production of vegetables, fruits or livestock products for consumption by himself or his family;

“ management ” with its grammatical variations and cognate expressions shall include all Orders referred to under sections 2 and 3;

“ occupier ” shall mean the person for the time being entitled to the use and occupation of agricultural land by virtue of his being the lessee or usufructuary mortgagee and shall include persons in use and occupation of agricultural lands alienated under the Land Development Ordinance, the Crown Lands Ordinance or any other enactment, and includes a tenant cultivator within the meaning of the Paddy Lands Act, No. 1 of 1958.