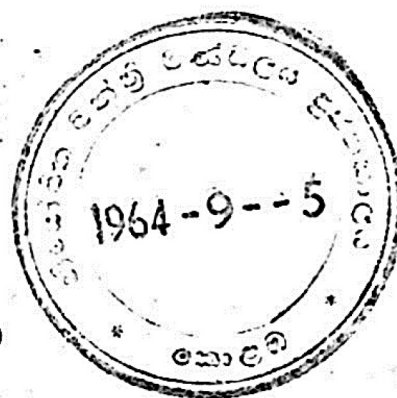


PARLIAMENT OF CEYLON

5th Session 1964-65



Paddy Lands (Amendment) Act, No. 11 of 1964

Date of Assent : August 24, 1964

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AN ACT TO AMEND THE PADDY LANDS ACT,
No. 1 OF 1958.

[Date of Assent : August 24, 1964]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Paddy Lands (Amendment) Act, No. 11 of 1964. Short title.

2. Section 3 of the Paddy Lands Act, No. 1 of 1958, hereinafter referred to as the “principal Act”, is hereby amended as follows :— Amendment of
section 3 of Act,
No. 1. of 1958.

(a) by the insertion, immediately after sub-section (1), of the following new sub-section :—

“(1A) Where two or more persons are the cultivators either jointly or in rotation of any extent of paddy land let to them under any oral or written agreement made before or after the coming into operation of this Act in the Administrative District in which that extent wholly or mainly lies, then, subject to the provisions of this Act, each such person shall, if he is a citizen of Ceylon, be a tenant cultivator of that extent for the season or seasons in which he is a cultivator of that extent.”;

(b) in sub-section (2) of that section:—

(i) by the substitution, for the words “immediately after any other person”, of the words “after any other person”, and

- (ii) by the substitution, for all the words from "deciding the question" to the end of that sub-section, of the following :—

"deciding the question whether or not such eviction had been made *bona fide* for any such cause as may be prescribed, and the landlord of such extent and the person evicted shall be given an opportunity of being heard in person or through a representative at such inquiry. The Commissioner's decision on such question shall be communicated in writing to such landlord and to the person evicted. If such landlord or the person evicted is aggrieved by such decision, he may, within thirty days after the communication of such decision to him, make a written appeal from such decision to the Board of Review, and the appeal shall state the grounds of appeal. Where no appeal is made from the Commissioner's decision within the time allowed therefor, such decision shall be final and conclusive and shall not be called in question in any court." ;

- (c) in sub-section (3) of that section—

- (i) by the substitution, for the words "therefor, or the Board of Review has, on any such appeal, confirmed the decision of the Commissioner, then," of the words "therefor, or the Board of Review has confirmed such decision of the Commissioner in appeal or where, in the case referred to in that sub-section, the Commissioner decides that the eviction had been made *bona fide* for any such cause as may be

prescribed and the Board of Review has varied such decision of the Commissioner in appeal, then,"; and

- (ii) in paragraph (b) of that sub-section, by the substitution, for all the words and figures from "that he and all other persons" to the end of that paragraph, of the following :—

"that he shall, on such date as shall be specified in the order, vacate such extent and deliver possession thereof to the person mentioned in paragraph (a) of this sub-section, and if he fails to comply with the order, he shall be evicted from such extent in accordance with the provisions of section 21 ; and the landlord of such extent shall, for each day during which the person in respect of whom an order under this paragraph has been made continues to occupy such extent after the date specified in that order, pay to the person mentioned in paragraph (a) of this sub-section damages at such rate as may be prescribed unless such landlord satisfies the Commissioner that such person was evicted without the knowledge, consent or connivance of such landlord ; and " ; and

- (iii) in paragraph (c) of that sub-section, by the substitution, for the words "and all other persons in occupation of such extent vacate it or are evicted", of the words "vacates it or is evicted" ; and

(d) by the insertion, immediately after sub-section (3) of that section, of the following new sub-section :—

“(4) Where the landlord of an extent of paddy land fails or refuses to pay, within fourteen days after demand, any sum which he is required to pay as damages under this section to any person, such sum may, on application made by that person to the Magistrate’s Court having jurisdiction over the place where such extent is situate, be recovered in like manner as a fine imposed by such Court notwithstanding that such sum may exceed the amount of the fine which that Court may in the exercise of its ordinary jurisdiction impose.”.

Amendment of
section 4 of
the principal
Act.

3. Section 4 of the principal Act, as amended by Act No. 61 of 1961, is hereby further amended as follows :—

(1) in sub-section (1) of that section, by the substitution, for all the words from “shall not be evicted” to the end of that sub-section, of the following :—

“shall not be evicted from such extent notwithstanding anything to the contrary in any oral or written agreement by which such extent has been let to such tenant cultivator and no person shall interfere in the occupation and use of such extent by the tenant cultivator and the landlord shall not demand or receive from the tenant cultivator any rent in excess of the rent required by this Act to be paid in respect of such extent to the landlord.” ;

(2) in sub-section (1A) of that section, by the substitution, in sub-paragraph (ii) of paragraph (d) of that sub-section, for the words and figures “provisions of section 21.”, of the words and figures “provisions of section 21, and the landlord of such extent shall, for each day during which a person in respect of

whom an order under this paragraph has been made continues to occupy such extent after the date specified in that order, pay to the person mentioned in sub-paragraph (i) of this paragraph damages at such rate as may be prescribed unless such landlord satisfies the Commissioner that such person was evicted without the knowledge, consent or connivance of such landlord.” ;

- (3) by the substitution, for sub-section (5) of that section, of the following new sub-section :—

“ (5) Where the provisions of this Act that come into operation on a date appointed under sub-section (1) of section 2 are not brought into operation in any Administrative District, no person shall evict from any extent of paddy land which wholly or mainly lies within that Administrative District the person who, if those provisions were in operation in that Administrative District, would be the tenant cultivator of such extent except with the written sanction of the Commissioner granted on his being satisfied that the eviction is to be made *bona fide* for any such cause as may be prescribed. ” ;

- (4) in sub-section (6) of that section—

(a) by the substitution, for the words “immediately after any other person”, of the words “after any other person”, and

(b) by the substitution, for all the words from “deciding the question” to the end of that sub-section, of the following :—

“deciding the question whether or not such eviction had been made *bona fide* for any such cause as may be prescribed and the landlord of such extent

and the person evicted shall be given an opportunity of being heard in person or through a representative at such inquiry. The Commissioner's decision on such question shall be communicated in writing to such landlord and to such person. If such landlord or the person evicted is aggrieved by such decision, he may, within thirty days after the communication of such decision to him, make a written appeal from such decision to the Board of Review, and the appeal shall state the grounds of appeal. Where no appeal is made from the Commissioner's decision within the time allowed therefor, such decision shall be final and conclusive and shall not be called in question in any court." ;

(5) in sub-section (7) of that section—

(i) by the substitution, for the words "therefor, or the Board of Review has, on any such appeal, confirmed the decision of the Commissioner, then," of the words "therefor or the Board of Review has, on any such appeal, confirmed the decision of the Commissioner or where, in the case referred to in that sub-section, the Commissioner decides that the eviction had been made *bona fide* for any such cause as may be prescribed and the Board of Review has varied that decision of the Commissioner in appeal, then," ;

(ii) by the substitution, in paragraph (b) of that sub-section, for all the words and figures from "that

he and all other persons ” to the end of that paragraph, of the following :—

“ that he shall, on such date as shall be specified in the order, vacate such extent and deliver possession thereof to the person mentioned in paragraph (a) of this sub-section, and if he fails to comply with the order, he shall be evicted from such extent in accordance with the provisions of section 21 ; and the landlord of such extent shall, for each day during which the person in respect of whom an order under this paragraph has been made continues to occupy such extent after the date specified in that order, pay to the person mentioned in paragraph (a) of this sub-section damages at such rate as may be prescribed unless such landlord satisfies the Commissioner that such person was evicted without the knowledge, consent or connivance of such landlord ; and” ; and

(iii) in paragraph (c) of that sub-section, by the substitution, for all the words from “ and his landlord shall ” to “ evict him ”, of the following :—

“ and no person shall, except with the written sanction of the Commissioner granted when the Commissioner is satisfied that the eviction is to be made *bona fide* for any cause as may be prescribed, evict him ” ;

- (6) by the insertion, immediately after sub-section (7) of that section, of the following new sub-section :—

“(7A) Where the landlord of an extent of paddy land fails or refuses to pay, within fourteen days after demand, any sum which he is required to pay as damages under this section, to any person, such sum may, on application made by such person to the Magistrate’s Court having jurisdiction over the place where such extent is situate, be recovered in like manner as a fine imposed by such Court, notwithstanding that such sum may exceed the amount of the fine which that Court may in the exercise of its ordinary jurisdiction impose.” ;

- (7) by the substitution, for sub-section (8) of that section, of the following new sub-section :—

“(8) The decision of the Commissioner whether or not to grant under sub-section (5) sanction to evict any person shall be communicated by the Commissioner in writing to the person applying for such sanction and to the person for whose eviction such sanction is sought. If any such person is aggrieved by such decision, he may, within thirty days after the communication of such decision to him, make a written appeal from such decision to the Board of Review and the appeal shall state the grounds of appeal. Where no appeal is made from the Commissioner’s decision within the time allowed therefor, such decision shall be final and conclusive and shall not be called in question in any court.” ;

- (8) by the substitution, in sub-section (9), for the words “ If a landlord contravenes ”, of the words “ If any person contravenes ” ; and

(9) by the insertion, immediately after sub-section (9), of the following new sub-section :—

“(10) For the purposes of this section, if any person directly or indirectly makes use of, or threatens to make use of, any force, violence, or restraint or inflicts, or threatens to inflict, any harm, damage or loss upon or against a tenant cultivator of any extent of paddy land in order to induce, compel, or prevail upon, that tenant cultivator to refrain from exercising any right or privilege conferred upon him by or under this Act, such person shall be deemed to interfere in the occupation and use of such extent by that tenant cultivator.”.

4. (1) Notwithstanding anything to the contrary in the principal Act, where under the provisions of that Act the Commissioner has made a decision that the eviction from any extent of paddy land of any person who was a tenant and a cultivator of such extent has been made *bona fide* for any such cause as may be prescribed by regulation under that Act, the Commissioner may, upon application made to him by such person within six months after the date of commencement of this Act, grant him an opportunity of adducing either in person or through a representative grounds as to why that decision should not have been made, and the Commissioner, after considering the grounds so adduced, may either affirm or vary that decision. The Commissioner's decision under this section shall be communicated in writing to the person evicted and to the landlord of such extent.

Power of Commissioner to affirm or vary certain decisions already made by him under the principal Act.

(2) Any person aggrieved by the decision of the Commissioner under sub-section (1) may, within thirty days after the communication of such decision to him, make a written appeal from such

decision to the Board of Review established under the principal Act and the appeal shall state the grounds of appeal.

(3) The Board of Review may, on any appeal made under this section, confirm or vary the decision from which such appeal is made and the decision of such Board on such appeal shall be final and conclusive and shall not be called in question in any court.

(4) Where the decision of the Commissioner under sub-section (1) is to the effect that the eviction had not been made *bona fide* for a cause prescribed by regulation under the principal Act and no appeal is made from such decision within the time allowed therefor or the Board of Review has on any such appeal confirmed such decision of the Commissioner or where the decision of the Commissioner under that sub-section is to the effect that the eviction had been made *bona fide* for a cause prescribed by regulation under that Act and the Board of Review has varied that decision of the Commissioner in appeal, then, —

- (i) the person evicted shall be entitled to have the use and occupation of the extent of paddy land referred to in sub-section (1) restored to him, and
- (ii) the Commissioner shall in writing order every person in occupation of such extent to vacate such extent on or before such date as shall be specified in the order, and if any such person fails to comply with the order, he shall be evicted from such extent in accordance with the provisions of section 21 of the principal Act.

Amendment of
section 5 of
the principal
Act.

5. Section 5 of the principal Act is hereby amended by the substitution, for the words "mainly lies.", of the words "mainly lies and shall perform any service due in respect of that extent under that Ordinance."

6. Section 6 of the principal Act is hereby amended, in sub-section (1) of that section, by the substitution, for the words "paddy land may nominate", of the words "paddy land, other than a tenant cultivator who cultivates such extent either jointly or in rotation with any other tenant cultivator, may nominate".

Amendment of
section 6 of
the principal
Act.

7. Section 7 of the principal Act is hereby amended as follows :—

Amendment of
section 7 of
the principal
Act.

(1) in sub-section (1) of that section, by the substitution, for the words "paddy land dies", of the words "paddy land, other than a tenant cultivator who cultivates such extent either jointly or in rotation with any other tenant cultivator, dies";

(2) by the insertion, immediately after sub-section (3) of that section, of the following new sub-section :—

"(4) Where a tenant cultivator of any extent of paddy land who cultivates such extent jointly or in rotation with any other tenant cultivator or cultivators dies, his rights in respect of such extent in his capacity as such tenant cultivator shall devolve on such other tenant cultivator or cultivators and such rights shall be exercised by such tenant cultivator or cultivators in such manner as the Cultivation Committee may direct." ; and

(3) in the marginal note to that section, by the substitution, for the words "such tenant cultivator.", of the words "such tenant cultivator or where such tenant cultivator cultivates an extent of paddy land either jointly or in rotation with any other tenant cultivator."

Insertion of
new sections 7A
and 7B in the
principal Act.

8. The following new sections are hereby inserted in the principal Act immediately after section 7, and shall have effect as section 7A and section 7B, of that Act :—

“Commissioner
to decide
disputes
regarding
devolution
of rights
of tenant
cultivator
and his
determination
to be subject
to appeal to
the Board of
Review.

7A. (1) Where, on the death of a tenant cultivator of any extent of paddy land, there is a dispute as to the person on whom the rights of such tenant cultivator under this Act devolve, such dispute shall be referred by the parties to such dispute to the Commissioner for his determination. The Commissioner's determination on such dispute shall be communicated to the parties to such dispute.

(2) Any person to whom a determination of the Commissioner under sub-section (1) is communicated may, if he is aggrieved by such determination, appeal in writing to the Board of Review from such determination within thirty days after the communication of such determination to him, and the appeal shall state the grounds of appeal.

(3) Where no appeal from a determination of the Commissioner is made within the time allowed therefor by sub-section (2), then such determination shall be final and conclusive and shall not be called in question in any court.

Curators.

7B. (1) If the Commissioner is satisfied after such inquiry as he may deem necessary that the rights of a tenant cultivator under this Act have devolved on a minor, he may, notwithstanding anything in any other law, appoint a fit and proper person to be the curator of that minor for the purpose of enabling the minor to exercise his rights and to discharge his duties under this Act.

(2) A curator appointed under sub-section (1) may be removed from office by the Commissioner if he is satisfied after inquiry that such curator

has failed to perform his obligations or has been guilty of action or conduct adverse or prejudicial to the interests of the minor, or that the curator is unfit to continue to hold office or for any other sufficient cause.

(3) A curator appointed under subsection (1) shall, in respect of the extent of paddy land belonging to the minor whose curator he is, have and exercise all the rights and be subject to all the liabilities of a curator appointed by a court of competent jurisdiction.

(4) A person appointed under subsection (1) as the curator of a minor shall cease to hold office upon the appointment by any court of competent jurisdiction of any other person as curator of that minor.”.

9. Section 8 of the principal Act is hereby repealed and the following new section is substituted therefor :—

Replacement of section 8 of the principal Act.

“Transfer or cession of rights of a tenant cultivator.

8. (1) A tenant cultivator of any extent of paddy land, after giving written notice of his intention so to do to the landlord of such extent and to the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies, may,—

(a) if he cultivates such extent either jointly or in rotation with any other tenant cultivator or cultivators transfer his rights in respect of such extent to any such other tenant cultivator who is a citizen of Ceylon or to such Cultivation Committee and not to any other person ; and

(b) if he does not cultivate such extent either jointly or in rotation with any other tenant cultivator or cultivators, transfer his rights

in respect of such extent to his spouse or to any person who is a citizen of Ceylon and who is such one of the relatives of the tenant cultivator as is mentioned in the Schedule to this Act or to such Cultivation Committee and not to any other person.

(2) A tenant cultivator of any extent of paddy land may, with the written sanction of the Commissioner given after such inquiries as the Commissioner may deem necessary, cede his rights in respect of such extent to his landlord if such landlord is also the owner of such extent. Any cession of such rights made without the written sanction of the Commissioner shall be null and void.

(3) Notwithstanding anything in the preceding provisions of this section, where, in respect of any extent of paddy land, there is a registered nomination of a successor made by the tenant cultivator of such extent, a transfer or a cession under this section of the rights of such tenant cultivator shall not be valid unless and until such nomination is duly cancelled and such cancellation is duly registered.”.

Replacement of
section 10 of
the principal
Act.

10. Section 10 of the principal Act is hereby repealed and the following new section is substituted therefor :—

“ Where there
is no
successor to
inherit a
tenant culti-
vator's rights.

10. Where a tenant cultivator of any extent of paddy land dies and there is no spouse, relative or nominated successor to inherit the deceased's rights under this Act in respect of such extent in accordance with the provisions of this Act, then,—

(a) if the landlord of such extent is also the owner of such extent, he may, after giving within two months after the death of such tenant

cultivator written notice that he desires to be the owner cultivator of such extent to the Commissioner and to the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies, occupy and use such extent as owner cultivator, or

(b) if the landlord of such extent is not the owner of such extent, or if the landlord and owner of such extent fails to give, within the time allowed therefor, the written notice referred to in paragraph (a), the Commissioner shall, in consultation with such Cultivation Committee, appoint any suitable person to be the tenant cultivator of such extent and upon such appointment the appointee shall, subject to the provisions of this Act, be the tenant cultivator of such extent.”.

11. Section 11 of the principal Act is hereby amended as follows :—

Amendment of section 11 of the principal Act.

(1) in sub-section (1) of that section, by the substitution, for all the words from “transfer such rights” to the end of that sub-section, of the following :—

“transfer such rights to the cultivator of any extent of paddy land which is situated within the local jurisdiction of such Committee and which, in the opinion of the Commissioner, is an uneconomic extent or to any agricultural labourer resident within the local jurisdiction of such Committee.”;

(2) by the repeal of sub-section (2) of that section ; and

- (3) in the marginal note to that section, by the substitution, for the words “transferred to, or vest in,”, of the words “transferred to”.

Amendment of
section 12 of
the principal
Act.

12. Section 12 of the principal Act is hereby amended as follows :—

- (1) by the substitution, for the words “transferred to, or vest in,”, of the words “transferred to”; and
- (2) in the marginal note to that section, by the substitution, for the words “transferred to, or vested in,”, of the words “transferred to”.

Amendment of
section 14 of
the principal
Act.

13. Section 14 of the principal Act is hereby amended as follows :—

- (1) in sub-section (4) of that section—

- (a) by the substitution, for the words “two years after the date”, of the words “one year after the date”, and
- (b) by the substitution, for the words “two years after the communication”, of the words “one year after the communication”; and

- (2) in sub-section (7) of that section, by the substitution, for the words “has not cultivated such extent during any paddy cultivation season,”, of the words “has, without reasonable cause, failed to cultivate, or to be the cultivator of, such extent during any paddy cultivation season or to maintain a reasonable standard of efficient production as respects both the quantity and the quality of the produce from such extent,”.

Replacement of
section 15 of
the principal
Act.

14. Section 15 of the principal Act is hereby repealed and the following section is substituted therefor :—

“Power of
Commissioner
to appoint
tenant
cultivator.

15. (1) Where there is no tenant cultivator in respect of an extent of paddy land and such extent is not cultivated for two or more successive seasons, the Commissioner may, subject

to the provisions of sub-section (2), appoint, in consultation with the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies, the cultivator of any extent of paddy land which is situated within the local jurisdiction of such Committee and which, in the opinion of the Commissioner, is an uneconomic extent, or any agricultural labourer resident within the local jurisdiction of such Committee, to be the tenant cultivator of the first-mentioned extent or any part thereof, and upon such appointment, the appointee shall, subject to the provisions of this Act, be the tenant cultivator of such extent or such part, as the case may be.

(2) No appointment under sub-section (1) shall be made by the Commissioner in respect of any extent of paddy land or part thereof unless—

(a) he has given written notice of his intention so to do to the landlord of such extent, and

(b) the landlord of such extent has failed to show, within such time as shall be specified in such notice, sufficient cause against the making of such appointment.

(3) Where any such extent of paddy land as is mentioned first in sub-section (1) or part thereof is occupied and used by any person at the time a tenant cultivator is appointed under that sub-section in respect of that extent or part, as the case may be, the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies shall in writing order such person to vacate such extent

or part on or before such date as shall be specified in such order. If such person fails to comply with such order, he shall be evicted from such extent in accordance with the provisions of section 21."

Repeal of sections 18, 19 and 20 of the principal Act.

15. Sections 18, 19 and 20 of the principal Act are hereby repealed.

Insertion of new sections 18, 18A, 19 and 20 of the principal Act.

16. The following new sections are hereby inserted in the principal Act and shall have effect as sections 18, 18A, 19 and 20 of the principal Act:—

" Cultivators and landlords to cultivate paddy lands in accordance with the principles of good paddy cultivation.

18. (1) A cultivator of any extent of paddy land or, if there is no cultivator other than an agricultural labourer, the landlord of such extent of paddy land shall cultivate such land in accordance with the principles of good paddy cultivation.

(2) The cultivator or landlord referred to in sub-section (1) shall be deemed to cultivate the land in accordance with the principles of good paddy cultivation if such cultivation is done, having regard to the character and situation of the land, in such a manner as to maintain a reasonable standard of efficiency as respects both the quality and quantity of the produce from such land while keeping such land in a condition to enable such a standard to be maintained in the future.

(3) In determining whether the cultivation has been done in the manner referred to in sub-section (2), regard shall be had, *inter alia*, to the extent to which any rules or regulations made under the Irrigation Ordinance and the rules made by the Cultivation Committee under this Act have been complied with.

Non-cultivation of any extent of paddy land to be notified to the landlord and the Cultivation Committee.

18A. Where a tenant cultivator of any extent of paddy land is unable to cultivate such extent during any paddy cultivation season he shall, at the commencement of that season,

notify in writing the landlord of such extent and the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies that he is unable to cultivate such extent during that season.

Supervision
Order.

19. (1) Where a Cultivation Committee is satisfied that the cultivator of any extent of paddy land or, if there is no cultivator other than an agricultural labourer, the landlord of such extent of paddy land, is not complying with the provisions of section 18 in respect of such extent, such Committee may, without prejudice to any right of any such Committee to take any action against such cultivator or landlord in a court of law, recommend to the Commissioner that an order (hereinafter referred to as a Supervision Order) be issued to such cultivator or landlord in relation to such extent. Upon receiving such recommendation, the Commissioner, after giving such cultivator or landlord an opportunity of making representations to the Commissioner, whether in writing or on being heard by a person appointed by the Commissioner, may by Supervision Order place such cultivator or landlord under the Commissioner's supervision so far as relates to the cultivation of such extent.

(2) The Commissioner shall cause every Supervision Order issued under sub-section (1) to be served on the person to whom it relates, and shall send a copy thereof to the Cultivation Committee. Such Supervision Order shall be deemed to be served on such person if one copy of such Order is sent by registered post to the last known address of such person and another copy is affixed in a conspicuous position on the extent of paddy land to which such Order relates.

(3) While a Supervision Order is in force—

(a) any person authorized by the Commissioner or the Cultivation Committee may at all reasonable times enter upon the extent of paddy land to which such Order relates for the purpose of inspecting such land and observing the manner in which it is being cultivated, and

(b) the Commissioner may by notice in writing impose any restrictions or prohibitions on, or give any directions to, the cultivator or landlord of such extent of paddy land in order to ensure that such cultivator or landlord complies with the provisions of section 18 in respect of such extent.

(4) A Supervision Order issued under sub-section (1) in respect of any extent of paddy land may be revoked by the Commissioner if he is satisfied that the cultivator or landlord of such extent is complying with the provisions of section 18 in respect of such extent.

(5) Where the Commissioner revokes a Supervision Order under sub-section (4), he shall cause notice of such revocation to be served on the cultivator or landlord to whom it relates in the same manner as that in which the Supervision Order was served. The Commissioner shall also send a copy of such notice to the Cultivation Committee.

Eviction of person in respect of whom a Supervision Order is in force if cultivation is unsatisfactory.

20. (1) If, after the Supervision Order has been in force for a period of twelve months, the Commissioner is satisfied that the cultivation of the extent of paddy land to which the Supervision Order relates does not

show satisfactory improvement notwithstanding the restrictions or prohibitions imposed, or the directions given, under sub-section (3) of section 19, the Commissioner may, subject to the other provisions of this section, require the cultivator or the landlord of such extent to show cause why an order (hereinafter referred to as an Order of Dispossession) should not be made in respect of such extent.

(2) If the Commissioner is satisfied that no adequate cause has been shown by the cultivator or landlord referred to in sub-section (1), the Commissioner shall give notice to such cultivator or landlord of his intention to make an Order of Dispossession.

(3) The cultivator or landlord to whom a notice is given under sub-section (2) may, within fourteen days after the date of receipt by him of such notice, make a written appeal to the Board of Review against the making of an Order of Dispossession.

(4) Where no appeal has been made to the Board of Review under sub-section (3) within the time specified in such sub-section, or where the Board of Review has rejected the appeal made under that sub-section, the Commissioner shall make an Order of Dispossession in respect of the extent of paddy land in question and communicate such order to the cultivator or landlord in question and to the Cultivation Committee. Such Order of Dispossession shall be deemed to have been served on the cultivator or landlord if one copy of such Order is sent by registered post to the last known address of such cultivator or

landlord and another copy is affixed in a conspicuous position on the extent of paddy land in respect of which such Order of Dispossession was made.

(5) Upon an Order of Dispossession being made and communicated to the cultivator or landlord of the extent of paddy land in question in the manner set out in sub-section (4), such cultivator or landlord and any other person in occupation of such extent shall vacate such extent within the period specified in such Order and deliver possession of such extent to the Cultivation Committee in question.

(6) Where a Cultivation Committee comes into possession of an extent of paddy land under the provisions of sub-section (5), such Committee shall be deemed to be the cultivator or landlord, as the case may be, of such extent and shall exercise all the powers and perform all the duties of such cultivator or landlord :

Provided that where the cultivator or landlord who delivers possession to the Cultivation Committee is the owner of such extent, the Cultivation Committee shall be deemed to be the tenant cultivator of such owner and shall exercise all the powers and perform all the duties of a tenant cultivator.

(7) Where the Cultivation Committee comes into possession of any extent of paddy land under the provisions of sub-section (5), such Committee may, for the purpose of ensuring the efficient cultivation of such land, and with the approval of the Commissioner,—

- (a) cultivate such extent ; or
- (b) appoint one or more tenant cultivators for such extent ;
or

(c) permit the owner of such extent to be the owner cultivator thereof ; or

(d) lease such extent to any suitable person :

Provided that no extent of paddy land in excess of five acres shall be permitted to be cultivated by any tenant cultivator or owner cultivator referred to in the preceding provisions of this sub-section.

(8) Where a cultivator or landlord, as the case may be, of any extent of paddy land fails to comply with an Order of Dispossession, such cultivator or landlord and any other person in occupation of such extent shall be evicted from such extent in accordance with the provisions of section 21. ”..

17. Section 21 of the principal Act is hereby repealed and the following new section is substituted therefor :—

Replacement of section 21 of the principal Act.

“ Procedure in eviction.

21. (1) Where any person who has been ordered under this Act by a Cultivation Committee or the Commissioner to vacate any extent of paddy land or to vacate any extent of paddy land and to deliver possession thereof to any specified person fails to comply with such order, such Committee or the Commissioner or any person authorized in that behalf by such Committee or the Commissioner may present to the Magistrate's Court within whose local jurisdiction such extent wholly or mainly lies a written report specifying the nature of such order and the person to whom it was issued, describing the extent of paddy land to which such order relates, stating that such person has failed as required by such order to vacate or to vacate and deliver possession of such extent, praying for an order to evict such person and all other persons in occupation of such extent from such

extent, and mentioning the person to whom delivery of possession of such extent should be made.

(2) Where a written report is presented to a Magistrate's Court under sub-section (1), such Court shall issue an order directing the person specified in such report and all other persons in occupation of the extent of land specified in the order to be evicted forthwith from such extent. After making such order, the Court shall give notice of such order through the Fiscal or peace officer to the person against whom the order is made.

(3) Any person aggrieved by an order made by the Magistrate's Court under sub-section (2) may appeal therefrom to the Supreme Court and the provisions of Chapter XXX of the Criminal Procedure Code shall apply accordingly as if the appeal were preferred against a final order of a Magistrate's Court in respect of which an appeal lies to the Supreme Court under that Chapter of that Code.

(4) If no appeal has been preferred against an order of eviction made by a Magistrate's Court under sub-section (2) within the time allowed for such an appeal, or, if an appeal has been preferred, after the final decision of the Supreme Court affirming the order of eviction has been duly certified to the Magistrate's Court, the Magistrate's Court shall, on the application of the person by whom the written report under sub-section (1) was presented, direct the Fiscal or a peace officer to evict from the extent of paddy land to which the order of eviction relates all persons bound by the order of

eviction and to deliver possession of such extent to the person mentioned in such report as the person to whom delivery of possession of such extent should be made.

(5) The Fiscal or the peace officer entrusted with the execution of the order of eviction shall comply with the directions of the Magistrate's Court by which such order was made and shall make a due return of the manner in which he executed such order.

(6) In executing an order of eviction the Fiscal or the peace officer or any person authorized by any of them may use such force as may be necessary to enter the extent of paddy land to which the order relates and to evict any person bound by the order and to deliver possession of such extent in accordance with the directions of the Magistrate's Court which issued the order."

18. Section 22 of the principal Act is hereby amended as follows :—

Amendment of
section 22 of
the principal
Act.

(1) in sub-section (2) of that section by the substitution, for the words "from that extent, whichever is less, ", of the words "from that extent reduced by the amount of the charge imposed under paragraph (c) of sub-section (1) of section 36A, or the customary rent hitherto payable in respect of that extent, whichever is the least, ";

(2) by the insertion, immediately after sub-section (3), of the following new sub-section :—

"(3A) Where the rent determined under sub-section (1) is computed on the basis of a specified number of bushels of paddy for each cultivated

acre, the rent for any cultivated area of less than one acre shall be computed in the proportion that such area bears to one acre.” ;

(3) in sub-section (7) of that section, by the substitution in paragraph (b) of that sub-section, for the words “or the tenant cultivator desires”, of the words “and the tenant cultivator agrees” ;

(4) in sub-section (8) of that section, by the substitution, for the words “cultivation season,”, of the words “cultivation season in which cultivation was possible or has, without reasonable cause, committed during any paddy cultivation season a breach of any established custom relating to cultivation,” ; and

(5) by the insertion, immediately after sub-section (9) of that section, of the following new sub-section :—

“(10) Where any dispute arises between the tenant cultivator of any extent of paddy land and his landlord as to the amount of the rent payable in respect of such extent under a determination made under sub-section (1), such dispute may be referred for decision to the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies. The decision of the Committee on such dispute shall be communicated in writing to such tenant cultivator and to his landlord. If such tenant cultivator or his landlord is aggrieved by such decision, he may, within ten days after the communication of such decision to him, make a written appeal from such decision to the Commissioner, and the appeal shall state the grounds of appeal. The decision of the Commissioner on such appeal shall be final and conclusive and shall not be called in question in any court.”.

19. Section 24 of the principal Act is hereby amended as follows :—

Amendment of section 24 of the principal Act.

- (1) by the substitution, for the words “shall be paid on”, of the words “shall be paid at the threshing-floor on”; and
- (2) in the marginal note to that section, by the substitution, for the words “Time for”, of the words “Time and place for”.

20. The following new section is hereby inserted immediately after section 24 of the principal Act and shall have effect as section 24A of that Act :—

Insertion of new section 24A in the principal Act.

“Tenant cultivator to notify landlord of the dates for harvesting and removal of paddy.

24A. It shall be the duty of a tenant cultivator of any extent of paddy land to give to his landlord—

- (a) at least ten days’ notice of the date on which it is intended to commence the harvesting of the crop from such extent, and
- (b) at least seven days’ notice of the date on which it is intended to remove from the threshing-floor the crop harvested from such extent.”.

21. Section 25 of the principal Act is hereby amended in sub-section (2) of that section, by the substitution, for all the words from “for such landlords” to the end of that sub-section, of the following :—

Amendment of section 25 of the principal Act.

“for such landlords. If there is no person entitled to collect such rent or if there is any dispute as to the proportion in which such rent should be paid to such landlords or as to the person to whom such rent should be paid, such rent computed in money in accordance with the provisions of paragraph (b) of sub-section (7) of section 22 shall be paid by such tenant cultivator to such Committee and such Committee shall pay such amount less any expenses incurred by such Committee in handling such rent to the District Court or Court of Requests within whose local jurisdiction such extent wholly or mainly lies, according as such amount exceeds or does not exceed seven hundred and fifty rupees, to be drawn by

the person or persons entitled thereto. Where such amount or any portion thereof is not drawn by the person or persons entitled thereto within one year after the date on which such sum was paid to such Court, such Court shall cause such sum to be paid into the Paddy Lands Fund and no person thereafter shall be entitled to demand or receive such amount or the rent which such amount represents.”.

Insertion of
new section
25A in the
principal Act.

22. The following new section is hereby inserted immediately after section 25 of the principal Act and shall have effect as section 25A of that Act :—

“Provisions
applicable
where rent
is paid
through a
Cultivation
Committee
to the landlord
or to his
authorized
agent.

25A. (1) Where the tenant cultivator of any extent of paddy land instead of paying the rent for such extent directly to the landlord of such extent or to his authorized agent pays it to the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies, such Committee—

(a) shall, if such rent is paid in money, cause the amount of such rent to be transmitted to such landlord or to his authorized agent, as the case may be ; or

(b) shall, if such rent is paid in paddy, cause to be sent to such landlord or to his authorized agent, as the case may be, a written notice requesting him to take delivery of such rent within thirty days after the date of such notice.

(2) Where the rent for an extent of paddy land is paid in paddy to a Cultivation Committee and such rent is not claimed by the person entitled thereto within thirty days after the date of the notice sent to him under sub-section (1), such Committee may cause the paddy to be sold and shall cause the proceeds of the sale to be transmitted to such person.

(3) Where any sum of money transmitted (otherwise than by money order

or postal order) to any person under this section by a Cultivation Committee is not claimed by such person within one year after the date on which such sum was transmitted, such sum shall be paid into the Paddy Lands Fund by such Committee and no person thereafter shall be entitled to demand or receive such sum or the rent which such sum represents.

(4) Notwithstanding anything in the preceding provisions of this section, all expenses incurred by a Cultivation Committee in connection with the transmission or handling of the rent due to any person shall be met by such person and may be deducted from such rent by such Committee before such rent is transmitted or paid to such person by such Committee.”.

23. Section 26 of the principal Act is hereby amended as follows :—

Amendment of section 26 of the principal Act.

(1) by the renumbering of that section as sub-section (1) of section 26, and

(2) by the insertion, immediately after the renumbered sub-section (1), of the following new sub-section :—

“(2) If any person contravenes the provisions of sub-section (1), he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty rupees.”.

24. Section 28 of the principal Act is hereby repealed and the following new section is substituted therefor :—

Replacement of section 28 of the principal Act.

“Recovery of rent and interest in arrear.

28. Where any sum is due from the tenant cultivator of an extent of paddy land to his landlord as rent in arrear or interest on such rent or both, the landlord may, with the prior written sanction of the Commissioner, apply—

(a) if such sum does not exceed one hundred rupees, to the Rural Court having

jurisdiction over the place where such tenant cultivator resides or such extent is situate or, where there is no Rural Court having jurisdiction over such place, to the Court of Requests having jurisdiction over such place, or

(b) if such sum exceeds one hundred rupees but does not exceed seven hundred and fifty rupees, to the Court of Requests having jurisdiction over such place, or

(c) if such sum exceeds seven hundred and fifty rupees, to the District Court having jurisdiction over such place,

for an order, and the Court shall, upon such application, make an order for the payment of such sum by such tenant cultivator. If such tenant cultivator fails to pay such sum within the time allowed by the order, such sum may be recovered in like manner as if the order were a decree entered by the Court in favour of the person entitled to such sum and against such tenant cultivator and, for the purposes of such recovery, the produce from such extent shall, in addition to any other property, whether movable or immovable, of such tenant cultivator, be liable to seizure and sale.”.

Amendment
of section 29
of the principal
Act.

25. Section 29 of the principal Act, as amended by Act No. 61 of 1961, is hereby further amended as follows :—

(1) in sub-section (1) of that section, by the substitution, in paragraph (b) of that sub-section, for the word “appointed”, of the words “appointed by office”;

- (2) by the substitution, for sub-section (2) of that section, of the following new sub-section :—

“(2) The prescribed number of elected members of a Cultivation Committee shall be elected by the qualified cultivators of paddy lands wholly or mainly lying within the local jurisdiction of that Committee from among themselves.” ;

- (3) in sub-section (2A) of that section—

(a) by the substitution, for the words “at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands held”, of the words “at the meetings of qualified cultivators of paddy lands held”,

(b) in paragraph (c) of that sub-section, by the substitution, for all the words from “the aforesaid prescribed number and the election” to the end of that paragraph, of the words “the aforesaid prescribed number.”,

(c) in paragraph (d) of that sub-section, by the substitution, for the words “at the meetings of qualified cultivators of paddy lands and qualified owners of paddy lands held”, of the words “at the meetings of qualified cultivators of paddy lands held” ;

- (4) in sub-section (2B) of that section, by the substitution, for the words “meetings of qualified cultivators of paddy lands and qualified owners of paddy lands”, wherever those words appear collectively in that sub-section, of the words “meetings of qualified cultivators of paddy lands” ;

- (5) in sub-section (2C) of that section—

(a) by the substitution, for the words “meetings of qualified cultivators of paddy lands and qualified owners of paddy lands convened”, of

the words “meetings of qualified cultivators of paddy lands convened”, and

(b) by the substitution, for all the words from “the aforesaid prescribed number, and the appointment” to the end of that sub-section, of the words “the aforesaid prescribed number.”;

(6) by the substitution, for sub-section (3) of that section, of the following new sub-section :—

“(3) In sub-section (2), “qualified cultivators” mean owner cultivators, tenant cultivators or collective farmers, who are citizens of Ceylon.”; and

(7) by the insertion, immediately after sub-section (5), of the following new sub-section :—

“(6) A Cultivation Committee may appoint a Govimandala Sevaka.”.

Repeal of
section 30 of
the principal
Act.

26. Section 30 of the principal Act is hereby repealed.

Amendment of
section 31c
of the principal
Act.

26A. Section 31c of the principal Act (inserted therein by Act No. 61 of 1961) is hereby amended as follows :—

(1) by the substitution, for the words “dies or resigns”, of the words “dies or resigns or ceases to be qualified to be such member.”;

(2) by the substitution, for the words “one of the qualified cultivators or of the qualified owners, of paddy lands”, of the words “one of the qualified cultivators of the paddy lands”; and

(3) by the substitution, for all the words from “Committee according as” to the end of that paragraph, of the words “Committee; and”.

Amendment of
section 32 of
the principal
Act.

26B. Section 32 of the principal Act is hereby amended by the substitution, for the expression “in paragraph (b) of sub-section (1) or in paragraph (b) of sub-section (2) of section 29.”, of the expression “in paragraph (b) of sub-section (1) of section 29.”.

27. Section 33 of the principal Act is hereby amended as follows :—

Amendment of
section 33 of
the principal
Act.

(1) by the substitution, for sub-section (2) of that section, of the following sub-section :—

“(2) A meeting of the persons who are qualified under section 29 (2) to vote at the election of the members of a Cultivation Committee who are to be elected shall be summoned—

(a) by the Commissioner if a written requisition in that behalf is sent to him by not less than the prescribed number of persons who are qualified to vote at such election, or

(b) by a Cultivation Committee before the commencement of each cultivation season.” ; and

(2) by the insertion, immediately after sub-section (2) of that section, of the following new sub-sections :—

“(3) Not less than ten days’ notice of the date fixed for a meeting summoned under this section shall be given in the prescribed manner in the area lying within the jurisdiction of the Cultivation Committee and, in the case of a meeting summoned by a Cultivation Committee, to the Assistant Commissioner of the area within which the area of jurisdiction of such Committee lies.

(4) A meeting summoned under sub-section (2) may—

(a) review the work of the Cultivation Committee, and

(b) discuss, and pass resolutions on, any matter which falls within the scope of the Cultivation Committee.

Any resolution passed at such meeting—

- (i) by not less than one-half of the members entitled to be present at such meeting shall be binding on the Cultivation Committee and the Committee shall give effect to such resolution as if it were a decision of the Committee, and
- (ii) by less than one-half but not less than one-fourth of the members entitled to attend such meeting shall be duly considered by the Committee.

(5) All acts and proceedings of a meeting summoned under sub-section (2) shall be entered by the person acting as the Secretary of that meeting in a book kept for that purpose by the Cultivation Committee and shall be signed by the Chairman of the meeting. It shall be the duty of the Secretary of such meeting to send to the Commissioner, within one month after the date of such meeting, a copy of such minutes certified under the hand of such Secretary.”.

Replacement of
section 35 of
the principal
Act.

28. Section 35 of the principal Act is hereby repealed and the following new section is substituted therefor :—

“Register of
paddy lands.

35. (1) Every Cultivation Committee shall prepare and maintain a register of the paddy lands which wholly or mainly lie within the local jurisdiction of such Committee. There shall be specified in such register the extent of each such paddy land, the name of the landlord, owner cultivator, tenant cultivator and collective farmer,

as the case may be, of each such paddy land and such other particulars as may be required by the Commissioner to be set out in such register and such register shall be revised in each year by such Committee.

(2) Any entry in any register which has been prepared or revised under sub-section (1) and which is for the time being in force shall be *prima facie* evidence of the particulars contained in such entry.

(3) Regulations may be made—

(a) in respect of the procedure to be followed in the preparation and revision of the register referred to in sub-section (1) ;

(b) providing for any person who claims to be entitled under this Act to have his name entered in any such register and whose name is not so entered to apply to the Cultivation Committee to have his name entered therein ;

(c) providing for any person whose name is entered in any such register and who objects to the name of any other person appearing therein to apply to the Cultivation Committee to have the name of such other person erased from such register ;

(d) in respect of the procedure to be followed by a Cultivation Committee in the determination of claims and objections ; and

(e) providing for appeals from the determination of a Cultivation Committee on any claim or objection made to such Committee.”.

Amendment of
section 36 of
the principal
Act.

29. Section 36 of the principal Act is hereby amended as follows :—

(a) in sub-section (1) of that section—

- (i) by the omission of paragraphs (a), (c) and (i) of that sub-section;
- (ii) by the substitution, for paragraph (j) of that sub-section, of the following paragraph :—

“(j) to guarantee the repayment of the principal of, and the payment of the interest on, a loan of money granted by, or the payment of the value of any materials supplied (otherwise than by way of gift) by, a society registered under the Co-operative Societies Ordinance to the cultivator of any extent of paddy land lying wholly or mainly within the local jurisdiction of such Committee for the purpose of the cultivation of that extent ;”;
- (iii) by the omission of paragraph (k) of that sub-section ;
- (iv) in paragraph (l) of that sub-section by the substitution for the words “prescribed ; and”, of the word “prescribed ;” ;
- (v) by the substitution, in paragraph (m) of that sub-section, for the words “of that area.”, of the words “of that area ; and” ; and
- (vi) by the insertion, immediately after paragraph (m) of that sub-section, of the following new paragraph :—

“(n) to make such rules as may appear to the Committee to be necessary for the purposes of the exercise of its powers and the discharge of its duties under this Act.” ;

(b) by the substitution, for sub-section (2) of that section, of the following sub-section :—

“(2) No rule made by a Cultivation Committee under paragraph (n) of sub-section (1) shall have effect until it has been approved by the Commissioner.” ; and

(c) by the insertion, immediately after sub-section (2) of that section, of the following new sub-section :—

“(3) Every person who commits a breach of any rule made by a Cultivation Committee under paragraph (n) of sub-section (1) shall be guilty of an offence, and shall upon conviction, be liable to a fine not exceeding fifty rupees. Such offence shall be triable by a Rural Court having jurisdiction over the place where the offence was committed or where there is no Rural Court having jurisdiction over that place by a Magistrate’s Court having jurisdiction over that place.”.

30. The following new sections are hereby inserted immediately after section 36, and shall have effect as section 36A and section 36B, of the principal Act :—

Insertion of new sections 36A and 36B in the principal Act.

“Duties of Cultivation Committees.

36A. (1) A Cultivation Committee constituted for any area shall—

(a) promote the improvement and development of the cultivation of paddy and of other crops permitted by or under this Act to be produced from paddy lands, and make, with the approval of the Commissioner, such rules as the Committee considers necessary in order to ensure that the following functions are performed by the cultivators of paddy lands or, where there are no cultivators of such lands

other than agricultural labourers, by the landlords of such lands :—

- (i) that paddy lands are properly levelled and adequate ridges are constructed and maintained in order to ensure the maximum conservation of water ;
 - (ii) that necessary steps are taken to ensure the use of good seed in paddy cultivation ;
 - (iii) that paddy lands are row-sown or transplanted ;
 - (iv) that the fertility of the soil of paddy lands is improved and maintained by the application of fertilisers in adequate quantities ;
 - (v) that steps are taken to prevent the erosion of the soil of paddy lands ;
 - (vi) that paddy lands are kept free from weeds especially during the periods in which such lands are under cultivation ;
 - (vii) that preventive measures are taken to keep the crops of paddy lands free from damage by pests, vermin and animals ;
 - (viii) that all duties and obligations of cultivators arising from common management and common use of water in any tract of paddy land are discharged by such cultivators without adversely affecting the rights of other cultivators in such tract.
- (b) exercise and perform within that area the powers and duties of irrigation headmen under the Irrigation Ordinance or any other written law ;

- (c) impose on, and collect from, the cultivator or, if there is no cultivator other than an agricultural labourer, the landlord of each extent of paddy land which wholly or mainly lies within the local jurisdiction of such Committee a charge at a prescribed rate ;
- (d) collect, on such terms and conditions as may be prescribed, on behalf of the Government Agent of the Administrative District within which the area of jurisdiction of such Committee lies the irrigation rates, contributions in money or other sums payable under the Irrigation Ordinance in respect of any paddy lands within that area ; and
- (e) open an account in the People's Bank, the Bank of Ceylon, the Ceylon Savings Bank, the Ceylon Post Office Savings Bank or any bank registered as a society under the Co-operative Societies Ordinance and deposit to the credit of that account all or any of the moneys of such Committee.

(2) A charge imposed under paragraph (c) of sub-section (1) may be paid in paddy or in money and where such charge is paid in money the amount payable shall be computed at the price fixed for the time being for paddy of the same description as the paddy from that extent by the Commissioner by notification published in the *Gazette* for the purposes of the Guaranteed Price Scheme.

Recovery of any sum due to a Cultivation Committee on a guarantee given by the Committee.

36B. Where any sum of money is due to a Cultivation Committee from a cultivator of any extent of paddy land in consequence of any payment made by such Committee in fulfilment of a guarantee given under paragraph

(j) of sub-section (1) of section 36 in respect of that cultivator, such Committee may apply—

(a) if such sum does not exceed one hundred rupees, to the Rural Court having jurisdiction over the place where such cultivator resides or, where there is no Rural Court having jurisdiction over such place, to the Court of Requests having jurisdiction over such place, or

(b) if such sum exceeds one hundred rupees but does not exceed seven hundred and fifty rupees, to the Court of Requests having jurisdiction over such place, or

(c) if such sum exceeds seven hundred and fifty rupees, to the District Court having jurisdiction over such place,

for an order directing such cultivator to pay such sum, and if such sum is not paid within the time allowed by the order, such sum may be recovered in like manner as if the order were a decree entered by the Court in favour of the person entitled to such sum and against such cultivator and for the purposes of such recovery, the produce from such extent, in addition to any other property, whether movable or immovable, of such cultivator, shall be liable to seizure and sale.”.

Insertion of
new sections
38A and 38B
in the principal
Act.

31. The following new sections are hereby inserted immediately after section 38, and shall have effect as sections 38A and 38B, of the principal Act :—

“When
Commissioner
may exercise
any power or
discharge any
duty of a
Cultivation
Committee.

38A. Where a Cultivation Committee, after being directed by the Commissioner to exercise, perform or discharge any power, duty or function conferred or imposed on, or assigned to, such Committee by or under this

Act, fails to do so within the time specified in the direction, the Commissioner may exercise, perform or discharge such power, duty or function and any act done by the Commissioner in pursuance of the provisions of this section shall be deemed to have been done by such Committee.

Dissolution
of a Cultiva-
tion Commit-
tee.

38B. (1) If at any time the Commissioner is satisfied that there is sufficient proof of—

- (a) wilful neglect, or misconduct in the performance, of the duties imposed by this Act, or
- (b) persistent disobedience to or disregard of the directions, instructions or recommendations of the Commissioner, or
- (c) incompetence or mismanagement, or
- (d) abuse of the powers conferred by this Act,

on the part of a Cultivation Committee, he may, by order published in the *Gazette*, dissolve such Committee.

(2) Where the Cultivation Committee for any area is dissolved under sub-section (1), the Commissioner or any officer authorized by the Commissioner in that behalf may, until a new Committee is constituted for that area in accordance with the provisions of this Act, exercise, perform or discharge all or any of the powers, duties or functions of a Cultivation Committee under this Act or any other written law in respect of that area.”.

32. Section 40 of the principal Act is hereby repealed.

Repeal of
section 40 of
the principal
Act.

32A. Section 41 of the principal Act is hereby amended as follows :—

Amendment of
section 41 of
the principal
Act.

- (1) by the substitution, for the words “meeting of qualified cultivators, and a meeting of qualified owners, for”, of the words “meeting of qualified cultivators for”; and

(2) by the substitution, for the words ' the expression "qualified cultivators" and "qualified owners" have the meanings assigned to them', of the words 'the expression "qualified cultivators" has the meaning assigned to it.'

Amendment of section 42 of the principal Act.

33. Section 42 of the principal Act is hereby amended by the substitution, for all the words and figures from "registers required" to the end of that section, of the words and figures "register required to be maintained under section 35 by each Cultivation Committee."

Repeal of section 43 of the principal Act.

34. Section 43 of the principal Act is hereby repealed.

Amendment of section 44 of the principal Act.

35. Section 44 of the principal Act is hereby amended by the substitution, for the word "Commissioner", of the words "Commissioner or any person authorized in that behalf by the Commissioner in writing".

Amendment of section 47 of the principal Act.

36. Section 47 of the principal Act is hereby amended by the substitution, for the word "Commissioner", of the words "Commissioner or any person authorized in that behalf by the Commissioner in writing".

Amendment of section 48 of the principal Act.

36A. Section 48 of the principal Act is hereby amended by the substitution, for all the words from "schemes for the consolidation" to the end of that section, of the following :—

"schemes in respect of all or any of the following matters :—

(a) for the transfer of ownership of paddy lands from landlords to tenant cultivators in order that such tenant cultivators may become owner cultivators ;

(b) for the consolidation of holdings of paddy lands ; and

(c) for the establishment of collective farms for paddy cultivation."

37. Section 55 of the principal Act is hereby repealed and the following new section is substituted therefor :—

Replacement of section 55 of the principal Act.

“Recovery of charge imposed by Cultivation Committee on cultivator or landlord of any extent of paddy land.

55. (1) A charge imposed under this Act on the cultivator or the landlord of an extent of paddy land by the Cultivation Committee within whose local jurisdiction such extent wholly or mainly lies may be recovered by deducting the amount of such charge from any moneys due to such cultivator or landlord, as the case may be, under the Guaranteed Price Scheme.

(2) Where a Cultivation Committee is of opinion that the charge imposed under this Act on any person cannot be recovered by the means provided in sub-section (1), such Cultivation Committee may, by written notice, direct such person to pay to such Cultivation Committee the amount of the charge within such period as shall be specified in such notice.

(3) Where a person to whom a written notice under sub-section (2) has been given fails to pay the amount of the charge within the period specified in such notice, such person shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding fifty rupees or to imprisonment of either description for a term not exceeding fourteen days. Such offence shall be triable by a Rural Court having jurisdiction over the place where the extent of paddy land in respect of which such charge was imposed is situate or where there is no Rural Court having jurisdiction over that place by a Magistrate's Court having jurisdiction over that place.

(4) On the conviction by a Court of any person for failure to pay the amount of any charge imposed under this Act by a Cultivation Committee, the Court shall, in addition to any other sentence, order that person to pay such amount and such amount may be recovered in like manner as a fine imposed by that Court, notwithstanding that such amount may exceed the amount of the fine which that Court may in the exercise of its ordinary jurisdiction impose."

**Amendment of
section 56 of
the principal
Act.**

38. Section 56 of the principal Act is hereby amended as follows :—

- (1) by the substitution, for the words "for a Cultivation Committee", of the words "for any of the purposes of this Act or for a Cultivation Committee", and
- (2) by the substitution, for the words "Act and transferred to such Committee :"; of the following :—

"Act. Any land so acquired for a Cultivation Committee may be transferred to such Committee :".

**Replacement of
section 58 of
the principal
Act.**

39. Section 58 of the principal Act is hereby repealed and the following new section is substituted therefor :—

"Purposes for which a paddy land may be used.

58. (1) Except with the written permission of the Commissioner, no person shall use an extent of paddy land for any purpose other than cultivation in accordance with the provisions of sub-section (2).

(2) An extent of paddy land may be cultivated—

(a) with paddy, or

(b) at any time between paddy cultivation seasons, with food crops other than paddy or with fodder crops, or

(c) with any other crop if the cultivation of such crop on such extent is authorized by a permit issued by the Commissioner in his discretion upon written application made in that behalf by the cultivator of that extent.

(3) If any extent of paddy land—

(a) is used by any person in contravention of the provisions of sub-section (1), or

(b) is cultivated by the cultivator thereof otherwise than in accordance with the provisions of sub-section (2),

that person or that cultivator, as the case may be, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, and, in default of payment of the fine, to imprisonment of either description for a term not exceeding one month.

(4) In any prosecution of a person for an offence under this section, the burden of proving that he had obtained the permission of the Commissioner for doing the act which constitutes the offence shall be on such person.”.

40. The following new section is hereby inserted immediately after section 58, and shall have effect as section 58A, of the principal Act :—

Insertion of
new section
58A in the
Principal Act.

“ Offences.

58A. Every person—

(a) who makes default in complying with any direction or order given or made under this Act by the Commissioner or a Cultivation Committee ; or

(b) who furnishes for the purposes of this Act any return or written information containing any particulars which to his knowledge are false or incorrect ; or

(c) who obstructs or resists any other person in the performance or exercise of any duty or power imposed or conferred on that other person by or under this Act,

shall be guilty of an offence under this Act and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding three months.”.

41. Section 59 of the principal Act is hereby repealed and the following new section is substituted therefor :—

Replacement of section 59 of the principal Act.

“Constitution of Board of Review and proceedings before the Board.

59. (1) For the purposes of this Act the Minister may from time to time, by Order published in the *Gazette*, appoint a Panel of not less than twelve persons from which Boards of Review shall be constituted as hereinafter provided. At least one-third of the persons so appointed shall be advocates or proctors with not less than ten years’ professional experience.

(2) The Minister may remove from the Panel any person appointed thereto.

(3) Where a person appointed under sub-section (1) vacates his office by reason of death, resignation, removal from office under sub-section (2), absence abroad or illness, the Minister may appoint a person in place of, or to act for, the first-mentioned person, as the case may be.

(4) Every person appointed to the Panel shall, unless he earlier vacates his office, hold office for three years :

Provided that—

(a) a person appointed in place of a person who has died, resigned or been removed from office under subsection (2), shall hold office for the unexpired portion of the term of office of the last-mentioned person ; and

(b) a person appointed to act for a person who is absent abroad or is ill, shall hold office for the period of absence or illness of the last-mentioned person.

(5) A person vacating office by effluxion of time shall be eligible for re-appointment.

(6) The Minister shall appoint one of the members of the Panel to be the Chairman of such Panel.

(7) For the purpose of constituting a Board of Review the Chairman of the Panel shall select from the Panel not less than three persons.

(8) Where the Chairman of the Panel is a member of a Board of Review constituted under this section, then, he, or where he is not a member of the Board, then such member of that Board as may be nominated by such Chairman, shall be the President of that Board.

(9) There shall be appointed to each Board of Review a Secretary.

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

(11) A Board of Review may examine any witness on oath if it thinks fit so to do, and may summon any person to appear before it or to produce any document which may be relevant in the opinion of the Board.

(12) All documents, notices or summonses issued under the hand of the Chairman of a Board of Review or the Secretary of a Board of Review shall be deemed to have been issued by that Board.

(13) If any person upon whom a summons issued, or deemed to have been issued, by a Board of Review has been served—

(a) fails, without reasonable cause, to appear before the Board of Review at the time and place mentioned in the summons ; or

(b) refuses without reasonable cause to be sworn or, having been duly sworn, refuses or fails without reasonable cause to answer any question put to him by a member of the Board of Review touching the matters to be heard and determined by such Board or wilfully gives a false answer to any such question, or

(c) refuses or fails without reasonable cause to produce before the Board of Review any document which is in his possession or power and which he has been required to produce,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees

or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(14) Regulations may be made in regard to the procedure to be followed at meetings of a Board of Review.

(15) A Board of Review may, on any appeal made under this Act to such Board, confirm or vary the determination or decision from which such appeal is made, and the decision of such Board on such appeal shall be final and conclusive and shall not be called in question in any Court."

42. The following new section is hereby inserted immediately after section 60, and shall have effect as section 60A, of the principal Act :—

Insertion of
new section
60A in the
principal Act.

* Paddy Lands
Fund.

60A. (1) A fund to be called the Paddy Lands Fund (hereinafter referred to in this section as "the Fund") is hereby established.

(2) All fines imposed by a Court for any offence under this Act and all sums required under this Act to be paid into the Fund shall be paid into the Fund.

(3) The moneys of the Fund may be utilized for the improvement and development of paddy cultivation in Ceylon.

(4) The Commissioner shall be responsible for the administration of the Fund and the accounts of the Fund shall be audited by the Auditor-General.'

43. Section 61 of the principal Act is hereby amended as follows :—

Amendment of
section 61 of
the principal
Act.

(1) by the substitution, for sub-section (3) of that section, of the following new sub-section :—

"(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 upon such later date as may be specified in the regulation." ; and

- (2) by the insertion, immediately after sub-section (3), of the following new sub-section :—

" (4) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder. Notification of the date on which any regulation is, under this sub-section, deemed to be rescinded shall be published in the *Gazette*."

Amendment of
section 63 of
the principal
Act.

44. Section 63 of the principal Act as amended by Act No. 61 of 1961, is hereby further amended as follows :—

- (1) by the renumbering of that section as sub-section (1) of section 63 ;

- (2) in the renumbered sub-section (1)—

(a) in the definition of "cultivator", by the substitution, for the words "of his family", of the words "of his family, or jointly with any other person, not being an agricultural labourer," ;

(b) by the substitution, for the definition of "Board of Review", of the following new definition:—

" "Board of Review" means a Board of Review constituted in accordance with the provisions of section 59 ;" ;

(c) in the definition of "member of his family", by the substitution, for the words "brother or sister dependent on that person ;", of the words "brother or sister

of that person or a child of a brother or sister of that person ;” ;

(d) in the definition of “ owner cultivator ”, by the substitution, for the words, “ entirety of such extent ;”, of the words “ entirety of such extent, and in the case of an extent of paddy land which has been alienated under the Land Development Ordinance, the person who derives title to such extent from or under that Ordinance and who is the cultivator of the entirety of such extent, shall be deemed to be the owner cultivator of that extent ;” ;

(e) in the definition of “ paddy land ”, by the substitution, for the words “ alienated under the Land Development Ordinance.”, of the words “ any land which, with the permission of the Commissioner, is used for any purpose other than cultivation in accordance with the provisions of section 58 ;” ; and

(f) by the insertion, immediately after the definition of “ paddy land ”, of the following new definition :—

“ “ Paddy Lands Fund ” means the Paddy Lands Fund established under this Act.” ; and

(3) by the insertion, immediately after the renumbered sub-section (1), of the following new sub-section :—

“ (2) In this Act, “ citizen of Ceylon ” means any individual who is a citizen of Ceylon under any law for the time being in force relating to such citizenship.” .

Transitional provisions as to commencement of office of new Board of Review.

45. (1) Notwithstanding the repeal and replacement of section 59 of the principal Act by section 41 of this Act, the Board of Review as established under the aforesaid section 59 (hereinafter referred to as the "old Board of Review") shall continue to be the Board of Review for the purposes of the principal Act until the prescribed date, and the persons who, at the date of the commencement of this Act are holding office as members of that Board of Review shall continue to hold such office as such until the prescribed date and no longer.

(2) As soon as may be after the commencement of this Act, the Minister shall cause necessary steps to be taken for the appointment of a Panel in terms of section 59 of the principal Act as replaced by this Act; every Board of Review (hereinafter referred to as the "new Board of Review") constituted from the members of the Panel so appointed, shall, on and after the prescribed date, be the Board of Review for the purposes of the principal Act.

(3) Notwithstanding the repeal and replacement by this Act of section 59 of the principal Act, any appeal, inquiry or other matter which on the day immediately preceding the prescribed date was pending before the old Board of Review may be continued, heard and determined by a new Board of Review, or if a new Board of Review so thinks fit, be heard, held or considered afresh and determined by that Board of Review.

(4) In this section "prescribed date" means such date as may be prescribed for the purposes of this section by the Minister by Order published in the *Gazette*.