

CHAPTER 286

STATE LANDS

Ordinances
Nos. 8 of 1947,
9 of 1947,
Act
No. 13 of 1949.

AN ORDINANCE TO MAKE PROVISION FOR THE GRANT AND DISPOSITION OF STATE LANDS IN SRI LANKA; FOR THE MANAGEMENT AND CONTROL OF SUCH LANDS AND THE FORESHORE; FOR THE REGULATION OF THE USE OF THE WATER OF LAKES AND PUBLIC STREAMS; AND FOR OTHER MATTERS INCIDENTAL TO OR CONNECTED WITH THE MATTERS AFORESAID.

[1st September, 1949.]

Short title.

1. This Ordinance may be cited as the State Lands Ordinance. instrument of disposition upon such terms and conditions as he may think fit or as may be prescribed.

PART I

GRANTS, LEASES, AND OTHER DISPOSITIONS OF STATE LAND

Grants, leases, and other dispositions of State land.

2. Subject to the provisions of this Ordinance and of the regulations made thereunder, the President may in the name and on behalf of the Republic of Sri Lanka—

- (1) make absolute or provisional grants of State land ;
- (2) sell, lease or otherwise dispose of State land ;
- (3) enter into agreements for the sale, lease or other disposition of State land ;
- (4) issue permits for the occupation of State land ;
- (5) issue licences to take or obtain any substance or thing found in State land ;
- (6) sell or lease the right to mine or gem in any State land or in any land which has been disposed of by the State with a reservation of mining rights in favour of the State.

4. (1) Where the owner of any land comprised in a State grant is desirous of dividing or partitioning such land, he may apply to the President to accept the surrender of such grant and to regrant the land comprised therein in parcels. Surrender and subdivision.

(2) If the lessee of any land leased by the State is desirous of dividing or partitioning such land, he may apply to the President to accept the surrender of such lease and to lease such land in parcels.

(3) The President, if satisfied with the title of the applicant under subsection (1) or subsection (2) and on payment by the applicant of all the costs and expenses of, or consequent on, such application, may accept the surrender of such grant or lease and may issue in lieu thereof to the applicant a State grant or lease, as the case may be, of the said land in such parcels as the applicant desires ; and where more persons than one are joint owners or joint lessees of any land for the division or partition of which an application is made under this section, a grant or lease issued in lieu of a grant or lease surrendered may dispose of any parcel of the land surrendered to any one or more of such joint owners or joint lessees.

(4) No such division or partition shall be allowed unless all moneys, if any, due under the original grant or lease have been paid in full.

Surrender of land comprised in instrument of disposition.

3. The President may, in the name and on behalf of the Republic, accept the surrender of any land comprised in any

Exchange of State land for private land.

5. The President may, subject to such terms and conditions as he may deem fit, dispose of State land to any person in exchange for any land surrendered or conveyed by such person to the Republic.

surrender ; and, upon the execution of any such instrument by such grantee or lessee or other person entitled to the possession and management of such land, or by any person so authorized, the land so surrendered shall vest in the State free from all encumbrances.

Special grants and leases.

6. (1) A special grant or lease of State land may be made at a nominal price or rent or gratuitously for any charitable, educational, philanthropic, religious or scientific purpose, or for any other purpose which the President may approve.

8. (1) Every disposition of State land under this Ordinance must be effected by an instrument of disposition executed in such manner as may be prescribed.

Execution and contents of instruments of disposition.

(2) Every special grant or lease shall be substantially in the prescribed form and shall state that the title to the land conveyed thereby shall revert to the State if the land is not used for the purpose for which it was granted or leased or if it is applied to any other purpose.

(2) Regulations may be made prescribing the conditions which may be attached to dispositions of State land. No such condition shall be deemed to be attached to any disposition of State land unless that condition is inserted in the instrument of disposition relating to that land.

(3) Upon proof that any land described in any special grant or lease has ceased to be used for the purpose for which it was granted or leased or has been applied to any other purpose or that there has been a failure to comply with any condition or to observe any covenant of the grant or lease, the State shall be entitled, upon application to a court of competent jurisdiction, to a decree cancelling the grant or lease and declaring the land to be vested in the State, free from all encumbrances ; and the State shall not be liable to pay to any person any sum by way of compensation for improvements effected on the land subsequent to the date of the special grant or lease.

9. No State grant and no instrument of disposition whereby State land is leased for any term exceeding such period as may be prescribed shall be issued under this Ordinance unless and until that land has been surveyed and demarcated to the satisfaction of the Land Commissioner.

Survey of land to precede issue of grant or long-term lease.

10. No disposition of State land made under this Ordinance shall be deemed to confer any right to any mineral, mineral product or mineral oil in, under, or upon such State land unless otherwise expressly provided, in the instrument of disposition, and, save as so expressly provided, all such minerals, mineral products and mineral oils shall, notwithstanding any such disposition, be deemed to remain, and shall remain, the absolute property of the Republic.

Reservation of minerals.

Surrender of special grants and leases.

7. Notwithstanding anything in any law other than this Ordinance, where any land has been disposed of either before or after the commencement of this Ordinance for any purpose authorized under section 6 (1), such land may, in such cases and subject to such conditions as may be approved by the President, be surrendered to the State by the grantee or lessee or other person for the time being entitled to the possession and management of such land ; and where such grantee or lessee or other person entitled to such possession or management cannot be found or ascertained, a court of competent jurisdiction may, on the application of the Attorney-General and after such inquiry as the court deems fit, by order authorize any suitable person to execute the instrument of

11. Where the rights under any instrument of disposition are not personal to the grantee but may be assigned by act *inter vivos* or may pass on his death to his heirs or devisees, the burden of any covenants or conditions inserted in such instrument shall run with the land and shall be binding upon the grantee and upon all persons claiming that land through, from or under the grantee.

Covenants and conditions to run with the land.

12. The grantee under any instrument of disposition shall be bound by any covenant or condition inserted therein notwithstanding the fact that he was a minor on the date of the execution of the

Minor bound by covenants and conditions of instrument executed in his favour.

instrument or that he, or any person on his behalf, did not sign the instrument or subscribe to such covenants and conditions.

Power of President to fix, revise or remit payments due to the State.

13. The President may fix the payments to be made to or recovered by the State either generally in any class of dispositions or specially in respect of any particular disposition, whether by way of price, rent, royalty or otherwise, and may, subject to the covenants and conditions set out in the instrument relating to any such disposition, remit, revise or waive any such payments.

Power of President to mitigate, &c., conditions in leases, &c.

14. The President may at any time mitigate or release any of the terms, covenants and conditions set out in any lease, permit or licence issued under this Ordinance and may at any time by agreement with the grantee vary or modify any such terms, covenants or conditions.

Power of President to grant extension of time for performance of covenants.

15. Unless otherwise provided in the instrument of disposition, the President may extend the time allowed to the grantee for the performance of any act, condition or covenants set out in the instrument of disposition, for such period and upon such terms as he may think fit to impose; and the period so extended and the terms so imposed shall be deemed to be inserted in the instrument of disposition and shall have the same force and effect as a covenant or condition thereof.

Permits and licences may be personal to grantees thereof.

16. (1) Where it is provided in any permit or licence that such permit or licence is personal to the grantee thereof, all rights under such permit or licence shall be finally determined by the death of such grantee.

(2) Where it is provided in any permit or licence that such permit or licence shall be personal to the grantee thereof, the land in respect of which such permit or licence was issued and all improvements effected thereon shall, on the death of the grantee, be the property of the State; and no person claiming through, from or under the grantee shall have any interest in such land or be entitled to any compensation for any such improvements.

Cancellation of permits or licences.

17. (1) Where a Government Agent is of opinion that the grantee of any permit or licence has failed to observe any condition

attached to any such permit or licence, he may cancel such permit or licence and eject the grantee in accordance with the procedure prescribed in sections 106 to 128 of the Land Development Ordinance which shall apply accordingly as though the grantee of a permit or licence under this Ordinance were a permit-holder under that Ordinance and as though the land which is the subject-matter of a permit or licence under this Ordinance were land alienated by a permit issued under that Ordinance:

Provided that any matter or form required by the Land Development Ordinance to be prescribed in connexion with the cancellation of a permit under that Ordinance shall, for the purpose of the application of that Ordinance to the cancellation of a permit or licence under this Ordinance, be prescribed under this Ordinance.

(2) Where a permit or licence is cancelled under subsection (1), all rights of the grantee under such permit or licence shall cease and be finally determined.

18. Neither the grantee nor any other person shall be entitled to any compensation or damages whatsoever by reason of the cancellation of a permit or licence under section 17; and no claim for compensation or damages shall in any such case be entertained by any court:

No legal claim for compensation to be founded on cancellation of permit or licence.

Provided that nothing herein contained shall preclude the gratuitous payment of compensation in any such case.

19. Where in any instrument of disposition issued or executed either before or after the commencement of this Ordinance it is provided that any disposition of the land comprised in such instrument shall not be effected by the grantee without the prior consent or sanction of the President or of any specified officer of Government, any disposition executed by the grantee without such consent or sanction shall be void and inoperative for all purposes.

Dispositions executed by grantee contrary to provisions in instrument of disposition are void.

20. Where it appears to a prescribed officer that any instrument of disposition (whether executed before or after the

Rectification of errors, &c., in instruments of disposition.

commencement of this Ordinance) contains any clerical or other error or requires amendment in respect of the description of the land comprised therein or in respect of the inscription or recital of the name or designation of the grantee or of any other material fact, such error may be rectified or such amendment may be made by an indorsement on such instrument of disposition signed by such prescribed officer and the grantee; and any indorsement so signed shall be sufficient for all purposes to rectify the error or to effect the amendment; and the instrument on which any such indorsement is made shall have effect as though it had been originally issued or executed as so rectified or amended.

24. (1) A copy of every instrument of disposition signed or deemed to be signed by the President shall be authenticated by the signature of a prescribed officer and shall be deposited for purposes of record at the office of the Registrar of Lands of the district in which the land disposed of by that instrument is situate and at any other office which the President may from time to time appoint.

Authentication of copies of instruments signed by the President.

(2) A copy of any instrument authenticated in the manner prescribed in subsection (1) shall be primary evidence within the meaning of section 62 of the Evidence Ordinance of the instrument of which it purports to be a copy.

PART II

EXECUTION, AUTHENTICATION AND REGISTRATION OF INSTRUMENTS OF DISPOSITION

25. Any person who without the authority of the President obtains possession of or uses a stamp containing a facsimile of the President's signature shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

Penalty for unlawful possession or use of stamp of President's signature.

Use of the Public Seal of the Island.

*21. An instrument of disposition need not be issued under the Public Seal of the Island except in such cases and in such circumstances as may be prescribed.

Execution of instruments of disposition.

22. Every instrument of disposition whereby any State land is granted or sold, or leased for a term exceeding the prescribed period, shall be signed and executed by the President. Every other instrument of disposition shall be signed and executed by the prescribed officer.

26. (1) Every State grant and every instrument of disposition whereby State land is leased for a term exceeding the prescribed period shall, when issued, be forthwith registered at the instance of the Government Agent.

Registration of grants and leases.

(2) No fee shall be paid or recovered for such registration.

Authentication of instruments required to be signed by the President.

23. (1) The President may, if he thinks fit, instead of signing the original of any instrument of disposition, cause a facsimile of his signature to be stamped thereon; and any instrument so stamped shall be deemed to be signed by the President.

PART III

VESTING ORDERS AND VESTED LAND

(2) The facsimile of the signature of the President shall be stamped on the original of any instrument by or in the presence of the Secretary to the President or some other person authorized in that behalf by the President; and the Secretary or such other person shall certify on the original that the facsimile of the President's signature was stamped thereon by him or in his presence, as the case may be.

27. (1) The President may, by order (hereinafter referred to as a "vesting order") vest any State land for purposes of administration in any naval, military, air force or local authority, subject to such terms and conditions as may be specified in such order.

Vesting orders

(2) Where State land is vested in any naval, military, air force or local authority, by a vesting order, any building or other

* See also paragraph (d) of Article 33 of the Constitution.

structure standing or erected on such land shall be deemed to be vested in such authority by that order unless that order otherwise provides ; and, where State land is vested in a local authority, this subsection shall have effect notwithstanding anything in the written law whereby such local authority is constituted or established.

(3) In this section, " State land " includes State land in the possession of any local authority in respect of which no vesting order has been issued under any written law or otherwise prior to the commencement of this Ordinance, notwithstanding the fact that such local authority has effected any improvements on such land or been in possession thereof for any period prior to the commencement of this Ordinance.

Vesting orders in favour of authorities which are not corporations in law.

28. Where the President has by vesting order vested any State land in any naval, military, air force or local authority which is not a corporation in law, the President may in such order specify by name or by office the person or officer to be responsible for the administration of the land so vested and for the due observance and fulfilment of the terms and conditions inserted in the vesting order ; and the person or officer so specified in any vesting order shall have and is hereby granted full power and authority to represent, to act for, and to bind such naval, military, air force or local authority for all the purposes of this Ordinance ; and where the holder of any office has been so specified in any vesting order, he shall for such purposes be deemed to be a corporation sole with perpetual succession under the name of that office.

Title of State unaffected by vesting orders.

29. It is hereby declared that, notwithstanding anything in any written law other than this Ordinance, where any State land has been or shall be vested in any local authority whether before or after the commencement of this Ordinance and whether by or under any written law, or by vesting order, or otherwise, such land has been and is so vested for the purpose specified in the vesting order relating to such land or if no such purpose is specified, then for the purpose of administration only ; and the right and title to the soil of such land has at all times been and shall always remain in the Republic :

Provided that nothing in this section shall affect or be deemed to affect the title of any person to any land sold or otherwise disposed of by any local authority under and in accordance with the provisions of any written law whereby such authority was constituted or established.

30. (1) The President may at any time revoke a vesting order—

Revocation of vesting order.

- (a) at the request of the naval, military, air force or local authority in favour of which the vesting order was made ;
- (b) where in the opinion of the President there has been a breach of any term or condition subject to which the vesting order was made ;
- (c) where in the opinion of the President the contingency has occurred on the happening of which the vesting order is to cease to be in force ;
- (d) where in the opinion of the President the period for which the vesting order is to be in force has expired ;
- (e) where in the opinion of the President the land comprised in the vesting order is required for any public purpose ;
- (f) where in the opinion of the President the local authority in whose favour the vesting order was made has failed or neglected duly to administer the land comprised in such vesting order ;
- (g) where in the opinion of the President the vesting order should be revoked in the public interest ; or
- (h) on any other prescribed ground or in any other prescribed circumstances.

(2) No vesting order whereby State land has been vested in any naval, military, air force or local authority shall be revoked unless and until that authority has been afforded an opportunity of showing cause or making representations against the proposed revocation.

(3) In this section, "vesting order" means any order, document or instrument whether issued under this Ordinance or under any other written law or otherwise either before or after the commencement of this Ordinance.

be applicable to any State land vested in a local authority notwithstanding that the written law by or under which such local authority is constituted or established may make special provision in regard to such matters.

No compensation payable upon revocation of vesting order.

31. (1) Subject to the provisions of subsections (2) and (3), where a vesting order has been revoked under section 30, no compensation for improvements effected on the land comprised in such vesting order shall be paid or payable to any naval, military, air force or local authority or to any other person; and no claim against the State for compensation or damages shall be entertained by any court.

(2) The President may, by Order published in the Gazette, specify the provisions of written law referred to in subsection (1); and any provision of written law so specified shall for all purposes be deemed to fall within the category of the laws referred to in that subsection.

(2) Nothing in subsection (1) shall preclude the gratuitous payment of compensation in any particular case.

(3) In order to enable a local authority to take action under any written law referred to in subsection (1) and for the purpose of the application of such law to State land vested in a local authority, the President may, in any Order published under subsection (2), provide that any written law specified in that Order shall be applicable to State land vested in a local authority subject to such modification, adaptation, alteration or amendment of such written law as may be prescribed in such Order; and such law as so modified, adapted, altered or amended shall have application accordingly; and every such Order shall be as valid and effectual as if it were herein enacted.

(3) Subsection (1) shall have no application in a case where the vesting order which is revoked under section 30 makes provision for the payment of compensation for improvements effected on the land comprised in such vesting order.

Surrender of vested lands.

32. Any naval, military, air force or local authority may at any time surrender to the Republic any State land vested in such authority under this Ordinance or by or under any written law other than this Ordinance. Such surrender shall be effected by an instrument executed by the authority concerned or by the person entitled to act on behalf of such authority.

(4) This section shall apply to all State land vested in a local authority whether before or after the commencement of this Ordinance and whether by or under any written law or otherwise.

Effect of revocation of vesting order or surrender of vested land.

33. Upon the revocation under section 30 of a vesting order relating to any land, or upon the surrender under section 32 of any land vested in any naval, military, air force or local authority such land shall revert in the Republic which will resume the administration thereof; and the interest of the naval, military, air force or local authority, as the case may be, in that land shall thereupon cease and be determined.

(5) Nothing in this section shall affect or be deemed to affect any provision of any written law by or under which any local authority is constituted or established.

Written law enacted for protection of State lands to apply equally to lands vested in a local authority.

34. (1) The provisions of any written law relating to the protection, preservation or survey of State land, the demarcation of the boundaries of such land, the removal of encroachments and the ejection of persons encroaching or trespassing thereupon, shall

35. (1) Any local authority in which any State land is vested shall, when so required by the Land Commissioner, cause that land to be surveyed by the Surveyor-General at its own expense; and the Surveyor-General is hereby required to survey that land and to prepare and furnish a plan thereof, on proof to his satisfaction of the requisition made by the Land Commissioner to the local authority and on prepayment by the local authority of the cost of such survey and plan.

Survey of State land vested in a local authority on requisition of Land Commissioner.

(2) A local authority shall, upon receipt of a plan prepared by the Surveyor-General under subsection (1), forthwith transmit such plan or a certified copy thereof to the Land Commissioner.

(3) Where a local authority has been required by the Land Commissioner under subsection (1) to cause any land to be surveyed by the Surveyor-General and has, in the opinion of the Land Commissioner, failed or neglected to comply with such requisition or to prepay to the Surveyor-General the cost of the survey, the Land Commissioner may cause such survey to be made by the Surveyor-General and shall certify the cost thereof to the local authority; and upon the issue of any such certificate, the local authority shall be liable to pay the amount of the cost specified in the certificate and such amount shall, until paid, be a charge on the rates, revenue and funds of the local authority.

36. Nothing in the preceding provisions of this Part shall apply to any land acquired by the State under the provisions of the Land Acquisition Ordinance, 1876,* or the Land Acquisition Act and thereafter vested in any naval, military, air force or local authority on payment, by such authority, of the cost of such acquisition or of the compensation awarded on such acquisition.

PART IV

STATE LANDS VESTED IN VILLAGE COUNCILS

37. Every Village Council shall, on or before the prescribed date, transmit to the Government Agent in the prescribed form a schedule containing the prescribed particulars of all State lands which the Village Council claims is vested in such Council by section 31 of the Village Councils Ordinance.

38. (1) On receipt of the schedule transmitted to him under section 37, the Government Agent shall, after such inquiry as he may deem necessary, recommend to the Minister that such claim should be admitted or rejected or should be modified in such manner as may be set out in the recommendation.

(2) A copy of the recommendation made by the Government Agent under subsection (1) shall be sent by registered post by letter addressed to the Chairman of the Village Council and shall be deemed to be served on the Village Council on the date on which such letter would ordinarily be delivered to the Chairman.

39. A Village Council dissatisfied with the recommendation made by the Government Agent under section 38 may, within thirty days of the service of a copy of such recommendation to the Council, appeal therefrom to the Minister.

40. On an appeal preferred by a Village Council, the Minister may—

- (1) allow the appeal and reverse the recommendation of the Government Agent; or
- (2) direct further enquiry to be made or information to be furnished or evidence to be taken; or
- (3) modify the recommendation made by the Government Agent; or
- (4) affirm the recommendation of the Government Agent.

41. Where the Minister acts under paragraph (2) of section 40, the decision of the Minister shall be communicated to the Government Agent, who shall forthwith comply with the direction of the minister.

42. Where the Minister acts under paragraph (1) or paragraph (3) or paragraph (4) of section 40, the decision of the Minister shall be submitted to the President for confirmation.

43. Where no appeal has been preferred by a Village Council, the recommendation of the Government Agent shall be submitted to the President for confirmation.

Part III not to apply to land acquired under the Land Acquisition Ordinance or Act and thereafter vested in any authority.

Village Council to furnish schedules of State lands claimed to be vested under section 31 of Village Councils Ordinance.

Recommendation of Government Agent on claim preferred and notification thereof to Village Council.

Appeal to Minister.

Powers of Minister on appeal.

Procedure where Minister desires further evidence or information.

Decision of Minister to be submitted to President for confirmation.

Where no appeal, recommendation of Government Agent to be submitted to President for confirmation.

* Repealed by Act No. 9 of 1950.

President's order on all claims to be final and conclusive.

44. The President may, on the submission to him of a decision of the Minister under section 42 or of the recommendation of the Government Agent under section 43, order that such decision or recommendation be confirmed or make such other order thereon as he may deem fit; and such order shall be final and conclusive for all purposes.

Vesting orders to be issued on establishment of claim of Village Council.

45. A vesting order under section 27 shall be issued in favour of the Village Council for any State land in respect of which the claim of that Village Council has been established as hereinbefore provided.

Failure to claim State land is presumptive proof that such land is not vested under section 31 of Village Councils Ordinance.

46. Where no claim has been preferred under this Part by a Village Council in respect of any State land, it shall be presumed for all purposes that such land is not vested in that Village Council under section 31 of the Village Councils Ordinance.

PART V

SPECIAL LEASES BY LOCAL AUTHORITIES OF LANDS VESTED IN SUCH AUTHORITIES

Special leases by local authorities of lands vested in such authorities.

47. (1) A local authority may, with the sanction of the Minister granted generally in respect of any class of cases or specially in any particular case, lease any land vested in such authority by or under this Ordinance or any other written law, subject to the condition that all or any of the provisions of Chapters V, VI, VII, VIII and IX of the Land Development Ordinance shall apply to the land leased by the local authority as to a protected holding* alienated under that Ordinance; and upon the lease of any land subject to such condition, the provisions of the Land Development Ordinance specified in the instrument of lease shall apply accordingly; and for the purposes of such application, the lease shall be deemed to be an alienation, the leased land shall be deemed to be a protected holding* and the lessee the owner of that holding, and the Mayor or Chairman of the local authority

shall be deemed to be the Government Agent and may exercise, discharge or perform in respect of the leased land or the lessee any power, duty or function vested in, imposed upon or assigned to the Government Agent under the Land Development Ordinance.

(2) The sanction of the Minister shall be sufficient to enable any local authority to lease in the manner set out in subsection (1) any land vested in such authority notwithstanding anything in any written law whereby such local authority is constituted or established and notwithstanding the absence in any such written law of any provision conferring on such local authority the power to hold or lease land.

(3) Every instrument of lease under subsection (1) shall contain a recital to the effect that the Minister has granted his sanction to the lease and from such recital it shall be presumed, until the contrary is proved, that the sanction of the Minister to the lease was duly obtained.

48. (1) Where, in any indenture of lease executed prior to the commencement of this Ordinance by the Urban Council of Jaffna, provision has been inserted that the lessee shall hold the leased land until such time as legislation for the cancellation of that lease is enacted or for a term of years or until the death of the lessee, whichever event is earlier, this Ordinance shall be deemed to be the legislation referred to in that indenture of lease; and every such lease which has not been determined prior to the commencement of this Ordinance in accordance with the said provision or any other provision contained in the indenture creating such lease is hereby cancelled; and such cancellation shall be binding on the lessor and on the lessee and on the nominee, if any, of the lessee under the indenture of lease and on every person claiming or purporting to claim from, through or under the lessee.

Cancellation of Karaiyur slum area leases and provision for issue of new leases.

(2) Every lessee whose lease is cancelled under subsection (1) shall be entitled to obtain from the Urban Council of Jaffna a lease for the same land as that demised to him under the lease so cancelled.

* The references to "protected holdings" in Chapters V and VI of the Land Development Ordinance have been replaced with references to a "permit-holder paying an annual sum by virtue of the provisions of section 19A (3)", which section has been subsequently repealed by section 53 of the Sale of State Lands (Special Provisions) Law, No. 43 of 1973— See also the List of Enactments omitted from the Revised Edition.

In this subsection, "lessee" includes the nominee of a lessee who had died prior to the date of the commencement of this Ordinance in a case where no indenture of lease has been executed in favour of such nominee prior to that date.

(3) For the purposes of the application of the provisions of section 47 to any lease referred to in subsection (2), the land leased and demised to the Urban District Council of Jaffna, by the indenture of lease more particularly described in the First Schedule, for the purpose of housing people resident within the area commonly called the Karaiyur slum area within the town of Jaffna, shall be deemed to be land vested in the Urban Council* of Jaffna by this Ordinance; and it is hereby declared that the sanction of the Minister is granted for the execution of all such leases and that a recital of the grant of such sanction may be made in any indenture executed for the purpose of any such lease.

(4) Save as hereinbefore provided, any lease executed by the Urban Council* of Jaffna and referred to in subsection (1) and the lease to the Urban District Council of Jaffna referred to in subsection (3) and the terms, conditions, covenants, provisions and stipulations of any indenture whereby any such lease was created, shall have the same force and effect and shall bind both the lessor and the lessee mentioned in any such indenture to the same extent as though this Ordinance had not been enacted.

PART VI

RESERVATIONS

Constitution of State reservations.

49. Subject as hereinafter provided, the Minister may, by Notification published in the Gazette, declare that any State land is constituted a State reservation for any one or more of the following public purposes:—

- (1) the protection of the source, course or bed of any public stream;
- (2) the protection of springs, tanks, reservoirs, lakes, ponds, lagoons, creeks, canals, aqueducts, *elas*,

channels (whether natural or artificial), paddy fields and land suitable for paddy cultivation;

- (3) the protection of the foreshore;
- (4) the construction or protection of roads, paths, railways and other means of internal communication;
- (5) the construction or protection of quays, landing places, hospitals, burial grounds, cemeteries, markets, schools, libraries, museums or other public works;
- (6) the prevention of the erosion of the soil;
- (7) the preservation of water supplies;
- (8) the defence of Sri Lanka;
- (9) any other prescribed purpose:

Provided that no State land shall be so constituted a State reservation unless that land—

- (a) has been surveyed and depicted on a plan prepared by or under the authority of the Surveyor-General; and
- (b) has been declared to be the property of the State under the Land Settlement Ordinance or under any enactment repealed by Ordinance No. 20 of 1931; or
- (c) has been declared to be the property of the State by a decree of court in a reference case under the Waste Lands Ordinances, 1897 to 1903; or
- (d) has been acquired by the State under the provisions of the Land Acquisition Ordinance, 1876, or the Land Acquisition Act; or
- (e) has been resumed by the State under the provisions of the Lands Resumption Ordinance.

50. Subject as hereinafter provided and without prejudice to the powers conferred by section 49, any State land which is

State reservations for public streams.

* Now the Municipal Council of Jaffna.

immediately adjacent to a public stream and lies within a prescribed distance therefrom measured in such manner as may be prescribed shall, for the purposes of this Ordinance, be deemed to be a State reservation constituted by Notification under section 49; and all the provisions of this Part shall apply accordingly to any such reservation:

Provided that this section shall not apply to any State land unless such land falls within the category of any class of land referred to in paragraphs (b), (c), (d), and (e) of the proviso to section 49.

Cancellation of State reservations.

51. The Minister may, by Notification published in the Gazette, declare that any State reservation (other than a road reservation) shall cease to be a State reservation with effect from a date to be specified in the Notification.

Title to State reservations cannot be acquired by possession or user.

52. No person shall, by possession or user of any State reservation after the commencement of this Ordinance, acquire any prescriptive title to any such reservation against the State; and neither the Prescription Ordinance nor any other law relating to the acquisition of rights by virtue of possession or user shall apply to any such reservation after the commencement of this Ordinance.

State not liable to pay compensation for improvements effected on reservations after commencement of Ordinance.

53. Subject as hereinafter provided, no person shall be entitled to any compensation from the State in respect of any improvements effected at any time after the commencement of this Ordinance on any State reservation; nor shall any claim for any such compensation be at any time entertained by any court:

Provided that nothing herein contained shall affect or be deemed or construed to affect the right of any person to claim or receive compensation from the State in respect of any improvements effected on any State reservation after the commencement of this Ordinance under or by virtue of a contract with the State expressly providing for the payment of compensation in respect of such improvements.

Summary ejection of offenders in unlawful possession of State reservations.

54. (1) Where any person who has been convicted under any written law for the time being included in the Second Schedule of any offence committed in or upon a State reservation is in occupation or possession of

that reservation or any part thereof, a Magistrate having local jurisdiction over the area in which such offence was committed shall, on the application of the Government Agent, by order direct the Fiscal or a police officer to eject such person from that reservation and to deliver possession thereof to the Government Agent or to his representative.

(2) A Fiscal or police officer charged with the execution of an order of ejection made by a Magistrate under this section shall comply with the directions of the Magistrate and shall make due return in the prescribed form furnishing the prescribed particulars relating to the execution of the order.

(3) In the execution of an order of ejection a Fiscal or police officer or any other officer authorized by or accompanying the Fiscal or police officer may use such force as may be necessary to eject from the State reservation the offender against whom the order is made and any other person in possession or occupation of such reservation or part thereof on behalf or on account of the offender and to deliver possession of the reservation to the Government Agent or to his representative:

Provided that in a case where an appeal lies against the conviction of the offender, he shall not be ejected until the conviction has been affirmed in appeal or, if no appeal is preferred, until after the expiry of the time within which such appeal could have been preferred.

PART VII

ROAD RESERVATIONS

55. The following classes of State land shall be deemed to be road reservations for the purposes of this Ordinance:—

Road reservations.

(1) State land which is landmarked and described as a road reservation in any land-sale or other notice published in the Gazette prior to the commencement of this Ordinance under the hand of the Governor, the Colonial Secretary, the Land Commissioner, or any other officer of the Government;

- (2) State land which is shown or depicted as a road reservation in any plan prepared by or under the authority of the Surveyor-General prior to the commencement of this Ordinance ;
- (3) State land constituted a State reservation for a road or path by Notification of the Minister under section 49 ;
- (4) State land adjoining any road and reserved for the protection or benefit of that road ;
- (5) all waste land which, not being private property, lies within a distance of 33 feet of the middle of a public carriageway or cartway or within 10 feet of the middle of a public pathway ;
- (6) State land marked off and reserved for the construction of a path or road.

thoroughfare referred to in section 44 (2) of the Urban Councils Ordinance may be leased by the Government Agent with the sanction of that local authority ;

- (4) a road reservation situate within the administrative limits of a local authority and vested in that local authority may be leased by that local authority with the sanction of the Government Agent :

Provided that no road reservation referred to in paragraph (1) or paragraph (2) or paragraph (3) and adjoining a thoroughfare deemed to be a principal thoroughfare for the purposes of the Thoroughfares Ordinance shall be leased by the Government Agent except with the approval of the Director of Highways and the sanction of the local authority, where such sanction is required by the preceding provisions of this section.

PART VIII

THE FORESHORE

Cancellation of road reservations.

56. Subject as hereinafter provided and notwithstanding anything in any written law other than this Ordinance, the Minister may, by Notification published in the Gazette, declare that any land shall cease to be a road reservation :

Provided that such declaration shall not be made except in such circumstances and in such cases as may be prescribed.

Lease of road reservations.

57. Subject as hereinafter provided and subject to the provisions of any written law by or under which any local authority is constituted or established—

- (1) a road reservation not situate within the administrative limits of any local authority may be leased by the Government Agent ;
- (2) a road reservation situate within the administrative limits of a local authority and not vested in that local authority may be leased by the Government Agent ;
- (3) a road reservation situate within the administrative limits of a local authority and adjoining any public

58. The administration, control, custody and management of the foreshore are hereby declared to be vested in the State.

Administration of foreshore vested in the State.

59. Regulations may be made for the restriction and control of the use of the foreshore by members of the public.

Regulation of user of foreshore.

60. The President is hereby authorized—

Government authorized to construct works on foreshore, &c.

- (1) to construct quays, wharves, jetties or other public works along or out from the foreshore or in the bed of the sea adjacent thereto ;
- (2) to dredge the bed of the sea ;
- (3) to reclaim any part of the foreshore or bed of the sea ;
- (4) to erect buildings on any areas of land reclaimed from the sea ; and
- (5) to lease or otherwise dispose of any such reclaimed area.

Power to lease foreshore and sea-bed.

61. The President may lease any part of the foreshore or bed of the sea if he is satisfied, after such inquiry as he may deem necessary, that such lease will not substantially prejudice the rights of the public thereto.

assists in, such removal, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for a period not exceeding three months, or to both such fine and imprisonment.

Power to issue permits for temporary occupation of foreshore and sea-bed.

62. A Government Agent or other prescribed officer may issue permits for the occupation for any period not exceeding one year of any part of the foreshore or bed of the sea.

66. The removal of sand, stone, coral or other substance contemplated by sections 63, 64 and 65 shall include the doing of any act upon any property, whether belonging to any person or persons whomsoever or otherwise, which causes the disturbance or displacement of sand, stone, coral or other substance on or from any place on the foreshore or bed of the sea aforesaid.

Meaning of "removal of sand", &c.

Power to declare area from which sea sand, &c., may not be removed.

63. (1) The Minister may, by Notification published in the Gazette, declare any part of the foreshore as an area from or over which no sand, stone, coral or other substance shall be removed; and thereupon no person shall remove from such area or from the bed of the sea adjacent thereto to a distance of one mile from the foreshore any sand, stone, coral or other substance without a licence from the Government Agent or other prescribed officer.

67. In any case in which a Government Agent has refused to issue a permit under section 62 or a licence under section 63, or has issued any such permit or licence subject to a condition to which objection is taken by the holder of the permit or licence, or has issued a prohibition under section 64, an appeal shall lie by any person aggrieved to the Minister :

Appeals to the Minister.

(2) Every such licence shall specify and define, as far as practicable, the place from which sand, stone, coral or other substance may be removed, and may set forth such prescribed terms and conditions (including a condition as to the payment of fees or money) subject to which sand, stone, coral or other substance may be removed.

Provided that every such appeal shall be made within twenty-one days of such refusal, or imposition of condition, or prohibition, as the case may be ;

Provided, further, that such appeal shall not affect the validity of any such prohibition pending the consideration of the appeal.

Power of Government Agent to prohibit removal of sand, &c., from any particular place on foreshore.

64. It shall be lawful for a Government Agent to prohibit the removal of sand, stone, coral or other substance from any place on the foreshore adjoining or near any public road, thoroughfare, public work or public building, or adjoining or near any part of the Government Railway, if such removal is, in his judgment, likely to injure such road, thoroughfare, public work, public building or railway ; and he shall cause notice of such prohibition to be given by such means as shall seem to him likely to give sufficient publicity thereto.

68. (1) Any Proclamation issued under section 2 of the Seashore Protection Ordinance, No. 12 of 1911,* and in force immediately prior to the commencement of this Ordinance shall continue in force and have effect as though it were a Notification issued under section 63.

Proclamations and prohibitions issued under Seashore Protection Ordinance deemed to be in force under this Ordinance.

(2) Any prohibition issued under section 4 of the Seashore Protection Ordinance, No. 12 of 1911,* and in force immediately prior to the commencement of this Ordinance shall continue in force and have effect as though it were a prohibition issued under section 64.

Penalty for unlawful removal of sand from foreshore, &c.

65. Any person who in contravention of the provisions of section 63 or contrary to the terms of any licence issued under that section, or in contravention of a prohibition under section 64 removes any sand, stone, coral or other substance, or causes, or

69. Nothing in the preceding provisions of this Part shall be or be construed in derogation of any of the powers or rights of

Saving as to rights to foreshore.

* Repealed by Ordinance No. 8 of 1947.

the State in respect of the foreshore, or the soil of the foreshore, or the territorial waters of Sri Lanka.

deemed to include a reference to the tank or reservoir described in that Notification.

PART IX

REGULATION AND CONTROL OF THE USE OF THE WATER OF LAKES AND PUBLIC STREAMS

Interpretation of Part IX.

70. In this Part, unless the context otherwise requires—

“lake” includes a lagoon, swamp or other collection of still water, whether permanent or temporary, not being water contained in an artificial work ;

“private lake” means a lake which is situate entirely within the boundaries of any private land ;

“private stream” means any stream the source and entire course of which is within private land ;

“public lake” means any lake other than a private lake ;

“public stream” means any stream other than a private stream ;

“stream” includes any river, creek or *ela*, whether perennial or intermittent, flowing in a natural channel, and any affluent, confluent or branch into or from which the stream flows ;

“work” includes any dam, lock, tank, reservoir, weir, flume, race, channel (whether an artificial channel or a natural channel artificially improved), and any cutting, tunnel, pipe, sewer and any machinery and appliances.

Tanks may be declared as lakes.

71. The Minister may, by Notification published in the Gazette, declare that any tank or reservoir described in that Notification shall be a lake for the purposes of this Part notwithstanding that such tank or reservoir is an artificial work ; and, upon the publication of any such Notification, any reference in this Part to a lake shall be

72. The right to the use and flow and to the management and control of the water in any public lake or public stream shall, subject to the restrictions hereinafter mentioned, vest in the State. And in the exercise of that right, the State, by its officers and servants, may enter any land and take such measures as may be thought fit or as may be prescribed for the conservation and supply of such water as aforesaid and its more equal distribution and beneficial use and its protection from pollution, and for preventing the unauthorized obstruction of public streams.

Right of State in waters of public lakes and streams.

73. The right vested in the State by section 72 shall be subject to the following restrictions :—

Restrictions to right of the State.

- (1) it shall not be exercised in contravention of any right conferred on and lawfully exercisable by any person, company, corporation, board, or local authority by or under any written law other than this Ordinance or of any licence granted by the State ;
- (2) it shall be subject to the rights of the occupiers of land on the banks of public lakes and public streams as hereinafter defined ;
- (3) it shall be subject to the rights of the holders of permits issued under this Part of this Ordinance.

74. (1) Where the right of the owner of any land on the bank of a public lake or public stream to use the water in that lake or stream for any purpose on that land, being a right acquired under any law relating to the acquisition of rights by virtue of user, is extinguished by the operation of section 72, such owner shall have a claim for compensation from the State for the actual loss suffered by him as a result of the extinction of such right.

Compensation for extinction of prescriptive right to use water in public lake or public stream.

(2) Every claim for compensation under subsection (1) shall be made in writing addressed to the Land Commissioner and specifying—

- (a) the name and address of the claimant,

- (b) the facts on which the claimant relies to prove the claim, and
- (c) the amount of the compensation claimed and the manner in which or the principles according to which that amount has been computed or estimated.

(3) No claim under subsection (1) shall be entertained by the Land Commissioner unless it has been preferred within one year after the commencement of this Ordinance.

(4) After consideration of each written claim entertained by him, the Land Commissioner—

- (a) shall inform the claimant, by registered letter sent by post to the claimant, whether the claim is admitted in whole or part or is not admitted by the State, and,
- (b) if the claim is admitted whether in whole or in part, shall tender to the claimant the amount claimed by him or, as the case may be, the amount which the State is willing to pay as compensation.

(5) Where a claimant is aggrieved by the refusal of the State to admit the claim or by any reduction of the amount claimed by him as compensation, he may institute an action for enforcing the claim or for recovering the full amount in the District Court having local jurisdiction over the place where the right in respect of which the claim is made is alleged to have been exercised by him.

(6) No action under subsection (5) shall be maintainable by a claimant unless it has been instituted within one year after the receipt by him of the letter referred to in subsection (4).

Rights of riparian proprietors.

75. The occupier of land on the bank of any public lake or public stream shall have the right to use the water in that lake or stream for domestic purposes, for the purpose of watering cattle or other stock and for agricultural purposes, subject to the condition that the water to be used for any of the said purposes shall not be diverted through a channel, drain or pipe or by means

of a pump or other mechanical contrivance, but shall be removed in a bucket or other receptacle.

76. It is hereby declared that the bed of a public lake or public stream is the property of the State :

State is owner of bed of public lake or stream.

Provided that nothing in the preceding provisions of this section shall affect or be deemed to affect the rights of any person claiming through or under any instrument of disposition executed before the commencement of this Ordinance.

77. (1) Subject as hereinafter provided, no person shall—

Permits to divert water and construct works and bridges.

- (a) divert any water from a public lake or public stream ; or
- (b) construct or maintain any work in, or upon the bank of, any public lake or public stream ; or
- (c) construct or maintain any bridge or causeway in or over a public lake or public stream,

except under authority of a permit issued, on behalf of the State, by the Government Agent or other prescribed officer :

Provided that no permit shall be required to authorize any person to divert any water from a public lake or a public stream in any case where such person is entitled so to divert such water under the Irrigation Ordinance or the provisions of any other written law.

(2) Every such permit shall be in such form and contain such conditions and provide for such payments as may be approved by the Land Commissioner either generally or in the circumstances of any particular case.

78. In considering an application for a permit under section 77, the Government Agent shall have regard to the following matters :—

Matters to be taken into account in considering an application for a permit under section 77.

- (1) the rights of riparian proprietors who are likely to be affected by the issue of the permit ;

- (2) the interests and requirements of the State and of any local authority concerned ;
- (3) the probability that the grant of the permit may prejudicially affect any work or proposal contemplated or undertaken by the State or by any local authority ; and
- (4) any other prescribed matter.

- (c) affirm the insertion of any term or condition in any permit issued to the applicant, or modify or vary any term or condition inserted in any such permit, or direct that any such term or condition be omitted from such permit.

(4) Every order made by the Minister upon an appeal preferred under subsection (2) shall be final and conclusive ; and it shall be the duty of the Government Agent to take all such action as may be necessary to give effect to such order.

Advisory board.

79. The Minister may appoint an advisory board to assist the Government Agent in the consideration of applications for permits under section 77. Any such advisory board may be appointed generally for any province or other area or to assist in the consideration of an application in any particular case.

81. (1) An applicant who has made application for a permit to divert any water from a public stream and is aggrieved—

Right of aggrieved applicant to appeal to District Court.

(a) by the disallowance of his application by the Government Agent ; or

(b) by the insertion of any term or condition in the permit issued to him,

Communication of Government Agent's decision to applicant for permit.

80. (1) The Government Agent shall, after consideration of an application for a permit under section 77, inform the applicant by letter whether his application has been allowed or disallowed ; and where such application has been allowed, the Government Agent shall, together with such letter, transmit the permit to the applicant.

on the ground that the diversion, or proposed diversion of the water in question is not in excess of his legal rights or that the said term or condition is in derogation of his legal rights, may, subject to the provisions of subsection (2), apply, within one month of the receipt of the letter referred to in section 80, to the District Court having local jurisdiction over the place where the water is to be diverted from that public stream for a declaration of his legal rights in the matter in question ; and such District Court shall have power, on such application, after notice to the Government Agent and after such inquiry as the court may deem necessary, to declare such rights and to give all necessary directions with regard to such permit and the terms and conditions thereof so as to secure the legal rights of the applicant ; and the Government Agent shall comply with and give effect to the directions of the District Court, whose order shall be final and not subject to any appeal.

(2) An applicant who has made application for any permit under section 77 and is aggrieved by the disallowance of his application or by the insertion of any term or condition in the permit issued to him may, subject as hereinafter provided, appeal against such disallowance or the insertion of such term or condition to the Minister within one month of the receipt of the letter referred to in subsection (1) :

Provided that no such appeal shall be made to, or entertained by, the Minister in any case where the applicant has applied to the District Court for a declaration under section 81.

(3) The Minister may, upon an appeal preferred under subsection (2), by order—

(a) affirm the order or disallowance made by the Government Agent ; or

(b) reverse such order and direct that a permit be issued to the applicant, containing such terms and conditions as the Minister may determine ; or

(2) No application under subsection (1) shall be made to, or entertained by, any District Court in any case where the applicant has appealed to the Minister under subsection (2) of section 80.

(3) Save as provided in subsection (1), the decision of the Government Agent to allow or disallow any application and the terms and conditions of any permit issued under section 77 shall not be subject to review by or appeal to any court.

Validation of previous licences, &c.

82. Every licence, permit or other instrument issued and every agreement entered into prior to the commencement of this Ordinance which purports to authorize the commission of any act specified in paragraphs (a), (b) and (c) of section 77 (1) shall have effect as though such licence, permit, instrument or agreement were a permit issued under section 77 and as though the terms and conditions of any such licence, permit, instrument or agreement were the terms and conditions of a permit issued under that section; and every such licence, permit, instrument or agreement shall for all purposes be deemed to be a permit issued under section 77 and is hereinafter referred to by that name.

Penalty for unlawful diversion of water of public lake or stream, &c.

83. Any person who commits any act specified in paragraphs (a), (b) and (c) of subsection (1) of section 77 except under authority of a permit issued or deemed to be issued under that section 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 period not exceeding six months, or to both such fine and imprisonment.

Cancellation of permits.

84. (1) Any permit issued under section 77 or deemed to be issued under that section may be cancelled by a Government Agent—

- (a) in the event of a breach of any term or condition inserted or deemed to be inserted in such permit; or
- (b) after three months' notice in writing to the permit-holder or other person lawfully exercising any rights under any such permit:

Provided that no such permit shall be cancelled in the manner provided in paragraph (b) of this subsection unless the commission of the particular act specified in the permit has, during a continuous period

of not less than three years, been authorized by a permit or permits issued or deemed to have been issued under section 77.

(2) The provisions of subsection (1) (b) shall have effect notwithstanding that any permit referred to in subsection (1) contains a clause requiring notice but not specifying the period of such notice, or a clause requiring a period of notice greater or less than three months, or no clause for the termination of such permit whether after notice or otherwise.

(3) Any permit-holder aggrieved by the cancellation under subsection (1) of the permit issued to him may appeal against such cancellation to the Minister; and the Minister may, upon such appeal, by order—

- (a) affirm the order of cancellation, or
- (b) reverse such order and direct that the permit shall continue in force, subject to such conditions (if any) as the Minister may determine.

(4) Every order made by the Minister upon an appeal preferred under subsection (3) shall be final and conclusive, and it shall be the duty of the Government Agent to take all such action as may be necessary to give effect to such order.

PART X

RECOVERY OF PAYMENTS DUE TO THE STATE AND CANCELLATION OF INSTRUMENTS OF DISPOSITION

85. A certificate to the effect that a specified sum of money was due to the State from a specified person on a specified date under an instrument of disposition shall, if it purports to be signed by a Government Agent, be prima facie proof of the facts stated therein, and shall be admissible as evidence of such facts in any court of law without proof of the signature of the Government Agent.

Certificate of Government Agent.

Application of summary procedure for recovery of moneys due to State under instruments of disposition.

86. Any money due to the State under any instrument of disposition may be recovered by civil action instituted by the Attorney-General by way of summary procedure under sections 703 to 711 and section 829A* of the Civil Procedure Code; and, for the purposes of such recovery and the application of the provisions of that Code, sections 703 and 829A* of the Code shall have effect as though, in each of those sections, there were substituted for the words "or instrument or contract in writing for a liquidated amount of money," the words "or instrument or contract in writing for a liquidated amount of money, or certificate of a Government Agent under section 85 of the State Lands Ordinance,":

Provided that nothing in the preceding provisions of this section shall affect or be deemed or construed to affect the right of the State to recover any moneys due to the State under any instrument of disposition in any other manner or by any other procedure prescribed by any written law other than this Ordinance.

Cancellation of instruments of disposition for nonpayment of moneys due to the State.

87. (1) Where in any instrument of disposition, provision is made to the effect that the disposition effected thereby may be cancelled or determined or shall cease in the event of any moneys due to the State under that instrument remaining unpaid for any period of time specified therein and where such moneys remain unpaid for the period so specified, the Government Agent may by endorsement on the instrument of disposition cancel the disposition effected thereby; and such disposition shall be determined accordingly:

Provided that no such endorsement shall be made on any instrument of disposition until the person liable for the payment of moneys due under that instrument has been afforded an opportunity of showing cause against the proposed cancellation.

(2) Regulations may be made prescribing the procedure to be observed in cancelling instruments by endorsement in the manner set out in subsection (1).

Notice to issue on party in occupation to vacate land.

88. Where any instrument of disposition has been cancelled under section 87, the Government Agent may cause a notice to be

served on any person in possession or occupation of the land which was disposed of by that instrument calling upon such person forthwith to vacate the land.

89. Where the person on whom a notice has been served under section 88 fails forthwith to vacate the land in terms of the notice, such person may be ejected from that land in accordance with the procedure prescribed under sections 120 to 123 and 125 to 127 of the Land Development Ordinance which shall apply as though the instrument of disposition were a grant under that Ordinance and as though the land disposed of by that instrument were a holding under that Ordinance.

Ejectment where occupant fails to vacate land.

90. In this Part, "instrument of disposition" means an instrument of disposition executed before or after the commencement of this Ordinance.

Application of Part X to all instruments of disposition.

PART XI

ADMINISTRATION

91. (1) The Land Commissioner shall be the officer of Government responsible for and charged with the administration of this Ordinance.

Administration of Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Land Commissioner shall be subject to the general direction and control of the Minister.

92. (1) Any officer of Government entrusted with any duties in respect of State land shall, in the discharge of such duties, be subject to the direction and control of the Land Commissioner.

Powers of Land Commissioner.

(2) Any officer of Government entrusted with any duties in respect of State land shall, if so directed by the Land Commissioner, refer to him for decision any question of doubt or difficulty in connexion with the discharge of such duties.

(3) Any direction or decision of the Land Commissioner shall be duly complied with or given effect to by any such officer of Government.

* Section 829A is repealed by Law No. 20 of 1977.

Appointment of officers and servants.

93. (1) There may be appointed a Deputy Land Commissioner, one or more Assistant Land Commissioners, and such other officers and servants as may from time to time be required for the purposes of this Ordinance.

(2) Subject to any general or special directions of the Land Commissioner, the Deputy Land Commissioner may exercise, perform, or discharge any power, duty, or function of the Land Commissioner under this Ordinance or under any regulation.

(3) The Land Commissioner may either generally or specially authorize any Assistant Land Commissioner to exercise, perform, or discharge any power, duty, or function of the Land Commissioner under this Ordinance or under any regulation.

All officers, &c., to be public servants.

94. The Land Commissioner and every officer and servant appointed under section 93 shall be deemed to be public servants within the meaning of the Penal Code.

PART XII

REGULATIONS

Regulations.

95. The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Matters which may be provided for by regulation.

96. In particular and without prejudice to the generality of the powers conferred by section 95, regulations may be made for or in respect of all or any of the following matters :—

- (1) any matter stated in or required by this Ordinance to be prescribed ;
- (2) the administration, management, regulation, protection and control of all State land, State reservations and road reservations and the foreshore and of all waters vested in the State ;
- (3) all forms required for the purposes of this Ordinance including the forms of grants, leases, permits, vesting orders and other dispositions of State land or of waters vested in the State ;
- (4) the conditions to be attached to grants, leases, permits, vesting orders and other dispositions of State land or waters vested in the State ;
- (5) free grants of State land ;
- (6) sales, leases and other dispositions whether generally or on preferential terms and the conditions and procedure incidental to or connected with such sales, leases and dispositions ;
- (7) the alienation or other disposition of land over 5,000 feet in elevation ;
- (8) the survey and landmarking of State land and the foreshore ;
- (9) the principles on which rents or other payments under leases or permits shall be fixed and the periods after which such rents or payments may be revised ;
- (10) the localities or the circumstances in which State land shall not be disposed of by grant ;
- (11) the advertisement of sales and other dispositions of State land ;
- (12) the exchange of State land for private land ;
- (13) the grant of State land or of any rights or facilities over State land to the naval or military authorities or to any local authority ;
- (14) leases and other dispositions of town allotments ;
- (15) leases of State land for agricultural purposes ;
- (16) special leases by local authorities of lands vested in such authorities and the terms and conditions of such leases ;
- (17) appeals to the Minister under Part IV or Part IX, and the procedure on and disposal of such appeals ;

- (18) the grazing of cattle on State land and the provision of pasturage on such land ;
 - (19) water-supply to State land, and water-service schemes ;
 - (20) the produce of State land and the removal and disposal of such produce ;
 - (21) deposits and survey fees which must accompany applications for grants, leases, permits and other dispositions of State land ;
 - (22) fees payable or chargeable for or in respect of all matters under this Ordinance and the recovery of fees and rents ;
 - (23) the alienation of the right to mine or gem in or over State land ;
 - (24) the alienation of the right to mine or gem in or over land disposed of by the State with a reservation to the State of mining or gemming rights ;
 - (25) the grant of facilities to use State land for the construction of roads, paths, trolley-ways, irrigation channels, waterways, aerial ropeways, telephone lines, pipe lines and power transmission lines or for the temporary or partial utilization of State land for any other purpose ;
 - (26) the circumstances in which State reservations and road reservations may be cancelled and cease to be reserved ;
 - (27) the lease of State reservations and road reservations, including the period of such leases and the terms and conditions to be attached thereto ;
 - (28) the grant of facilities to take water from any public lake or public stream or spring ;
 - (29) the method of describing State land in grants, leases and permits ;
 - (30) the preparation of diagrams to facilitate the identification of State land disposed of by grant, lease or permit ;
 - (31) the grant or other disposition of the right to chena State lands ;
 - (32) the issue of chena, *nomile*, or other permits in respect of State land ;
 - (33) appeals to the District Court under section 81 ;
 - (34) licences for the removal of sand or other substances from the foreshore or the bed of the sea or of any public lake or stream.
97. Provision may be made by regulation that the contravention of any regulation shall constitute an offence punishable with a fine not exceeding one hundred rupees or with imprisonment of either description for a period not exceeding six months, or with both such fine and imprisonment. Offences under regulations.
98. No regulation shall have effect until— Regulations must be approved by Parliament.
- (a) that regulation has been approved by Parliament ; and
 - (b) notification of such approval has been published in the Gazette.
99. Upon the publication in the Gazette of a notification to the effect that any regulation has been approved by Parliament, that regulation shall be as valid and effectual as though it were herein enacted. Regulations to have statutory force.

PART XIII

MISCELLANEOUS

100. It shall be lawful for the President to take any land or building on lease on such terms and conditions as the President may deem proper or reasonable in the circumstances of any particular case. Power of President to take lands on lease.

101. No grant, lease or other disposition shall be made of any State land situated at an elevation exceeding 5,000 feet except in such cases and for such purposes as may be prescribed. Disposition of State land over 5,000 feet in elevation.

Title to public roads, &c., vested in the State.

- 102.** It is hereby declared that—
- (a) every public road, carriageway, cartway, pathway, path and thoroughfare ;
 - (b) every bridge, drain, embankment, causeway and ditch belonging to or appertaining to a public road, carriageway, pathway, path or thoroughfare ; and
 - (c) every road reservation and State reservation,

is the property of the State.

No prescriptive title to land settled. &c.

- 103.** Where any land—
- (1) is, after the commencement of this Ordinance, declared to be the property of the State under the provisions of the Land Settlement Ordinance ; or
 - (2) is, after the commencement of this Ordinance, acquired by the State under the provisions of the Land Acquisition Ordinance, 1876,* or the Land Acquisition Act ; or
 - (3) is, after the commencement of this Ordinance, resumed by the State under the provisions of the Lands Resumption Ordinance ; and
 - (4) has, at any time prior to the date of such declaration, acquisition or resumption, as the case may be, been landmarked with boundary marks by or under the authority of the Surveyor-General or is so landmarked at any time after any such date,

no person shall, by possession or user of such land, acquire any prescriptive title thereto against the State.

Power of President to accept donations.

104. The President may accept any donation of any land gifted to the Republic or to any Government department.

Delegation of President's powers.

105. The President may, in such manner and in such cases as may be prescribed, delegate to the Minister or to the Land

Commissioner or other prescribed officer, any power or duty conferred or imposed upon him, or any authority vested in him, or any discretion or function entrusted or assigned to him, by or under this Ordinance.

106. Any contract, covenant or agreement with the State entered into by a minor in any instrument issued or executed under this Ordinance for or in connexion with the disposition thereunder of any State land or of any right or interest of the State in any land or water shall bind such minor and shall not be avoided by reason only of his minority if such contract, covenant or agreement is so entered into by him with the assistance of a curator duly appointed by a court of competent jurisdiction or by the Government Agent as hereinafter provided.

Covenants in instruments of disposition to bind minor if it is executed with assistance of curator.

107. A Government Agent is hereby authorized to appoint by writing under his hand, any person to be the curator of a minor for the purposes of section 106.

Government Agents authorized to appoint curators.

108. Any alluvial or other accretion to any land disposed of by the State by any instrument of disposition executed before or after the commencement of this Ordinance shall, together with all rights appertaining or belonging to such accretion, be the property of the State and is hereby declared to be vested in the State.

Alluvial and other accretions.

109. The Government Agent or any officer authorized by him in writing may at any time enter and inspect any State land which has at any time been disposed of by grant, lease, permit or other instrument of disposition.

Power to inspect State lands after disposition.

PART XIV

INTERPRETATION AND SAVINGS

110. (1) In this Ordinance, unless the context otherwise requires—

Interpretation.

“ air force authority ” means the Commander of the Sri Lanka Air Force or any person authorized by such Commander to represent him for the purposes of Part III,

* Repealed by Act No. 9 of 1950.

- and includes any other person prescribed as an air force authority for the purposes of this Ordinance ;
- “ commencement ”, when used with reference to this Ordinance, means the 1st day of September, 1949 ;
- “ disposition ”, with its grammatical variations and cognate expressions, means any transaction of whatever nature affecting land or the title thereto and includes any conveyance, transfer, grant, surrender, exchange, lease or mortgage of land ;
- “ foreshore ” means the shore of the Island of Sri Lanka between high-water mark and low-water mark ;
- “ Government Agent ” includes an Additional or Assistant Government Agent and any other prescribed officer ;
- “ grantee ” means the person to whom any State land or right or interest in such land is disposed of by an instrument of disposition ;
- “ instrument of disposition ” means any instrument or document whereby any disposition of State land is effected and includes a grant, lease, permit or licence relating to State land ;
- “ lake ” means a lake as defined in section 70 and includes any tank declared under section 71 ;
- “ land ” includes—
- (a) any interest in land ;
 - (b) the bed of any lake or stream ;
 - (c) things attached to the earth or permanently fastened to anything attached to the earth ;
 - (d) any interest in crops growing or to be grown on land ;
- “ Land Commissioner ” means the Land Commissioner appointed under section 3 of the Land Development Ordinance ;
- “ local authority ” includes a Municipal Council, an Urban Council, a Town Council, a Village Council or any other authority prescribed as a local authority ;
- “ military authority ” means the Commander of the Sri Lanka Army or any person authorized by such Commander to represent him for the purposes of Part III, and includes any other person prescribed as a military authority for the purposes of this Ordinance ;
- “ mineral ” includes gold, silver and precious stones ;
- “ naval authority ” means the Commander of the Sri Lanka Navy or any person authorized by such Commander to represent him for the purposes of Part III, and includes any other person prescribed as a naval authority for the purposes of this Ordinance ;
- “ prescribed ” means prescribed by this Ordinance or by any regulation made thereunder ;
- “ public lake ” means a public lake as defined in section 70 ;
- “ public stream ” means a public stream as defined in section 70 ;
- “ regulation ” means a regulation made by the Minister under this Ordinance ;
- “ road reservation ” means any State land deemed to be a road reservation under section 55 ;
- “ State land ” means all land in Sri Lanka to which the State is lawfully entitled or which may be disposed of by the State and includes all rights and privileges attached or appertaining to such land ;
- “ State reservation ” means a reservation constituted or deemed to be constituted under section 49 ;

“vesting order” means an order made by the President under section 27.

(2) The use of the expression “land” in any provision of Part I or of Part XIII shall not be in derogation of any right, power or authority vested in the President by any such provision to dispose of any interest in any land or to take any such interest on lease or to accept any surrender or donation of any such interest.

111. (1) Nothing in this Ordinance shall affect the provisions of— Savings.

- (a) the Forest Ordinance,
- (b) the Irrigation Ordinance, and
- (c) the Land Development Ordinance.

(2) Nothing in the State Land (Claims) Ordinance shall in any way abridge or affect or be deemed to abridge or affect any power or authority conferred on the President by or under this Ordinance.

FIRST SCHEDULE

[Section 48.]

An indenture of lease dated the 10th and 24th days of September, 1935, whereby His Excellency Sir Francis Graeme Tyrrell, K.B.E., C.M.G., the then Officer Administering the Government of Ceylon, acting for and on behalf of his late Majesty King George the Fifth, leased and demised to the Urban District Council, Jaffna, for the purpose of housing people residing at Karaiyur within the Jaffna town within the area commonly called the Karaiyur slum area and thereby improving the sanitary condition of the said slum area, the following land:—

All that allotment of Crown land called Reclamation Ground in Karaiyur, within the Urban Council limits of Jaffna, Jaffna District, Northern Province, bounded as follows:—North by reclamation grounds said to be Crown, reservation along Beach Road and a road reservation; east by reservation for a road; south by reservation along Reclamation Road; west by reclamation grounds said to be Crown; containing in extent exclusive of road reservation twelve acres, three roods and ten perches and seven tenths of a perch (A12. R3. P10.7) and more particularly delineated and described in Lease Plan No. 5,764 dated the 27th day of August, 1935, authenticated by R. W. E. Ruddock, Acting Surveyor-General.

SECOND SCHEDULE

[Section 54.]

The Thoroughfares Ordinance.

The Forest Ordinance.

The State Landmarks Ordinance.

The Gemming Ordinance, 1890.
