

SRI LANKA LAND RECLAMATION AND DEVELOPMENT CORPORATION

***Chapter name changed for (colombo district (low-lying Areas) Reclamation and Development) to (Sri Lanka Land Reclamation and Development Corporation)**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION , TO BE KNOWN AS THE SRI LANKA LAND RECLAMATION AND DEVELOPMENT CORPORATION FOR THE DEVELOPMENT AND RECLAMATION IN ACCORDANCE WITH THE NATIONAL POLICY RELATING TO LAND RECLAMATION AND DEVELOPMENT OF SUCH AREAS AS MAY BE DECLARED BY ORDER OF THE MINISTER FOR SUCH CORPORATION TO UNDERTAKE CONSTRUCTION WORK AND CONSULTANCY ASSIGNMENTS IN THE FIELD OF ENGINEERING ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

Act Nos,

15 of 1968
27 of 1976
52 of 1982
35 of 2006

[22nd September
, 1968]

Short title. 1. This Act may be cited as the Sri Lanka Land Reclamation and Development Corporation Act.* (* The short title of this Act has been subsequently altered to "Sri Lanka Land Reclamation and Development Corporation Act " by Act No. 52 of 1982. See Volume 1 of the 1985 Supplement to the Revised Edition.)

PART I

POWER OF MINISTER TO DECLARE RECLAMATION AND DEVELOPMENT AREAS

Declaration of
Reclamation
and
Development
Areas by
Order of the
Minister and
effect of such
declaration.

- [4,52 of 1982] (1) Where the Minister is satisfied that any area of land is a low-lying, marshy, waste or swampy area and where such land is situated within the Jurisdiction of any local authority, he shall in consultation with the Minister in charge of the subject of Local Government and the local authority or authorities within which such land is situated, or where such land is in an area for which a local authority has not been created but is in an area for which any other authority has been created and established by or under any law, then with the concurrence of the Minister in charge of such authority, by Order published in the Gazette, declare such area to be a Reclamation and Development Area for the purposes of this Act.
- (2) An Order declaring a Reclamation and Development Area under subsection (1) shall define the area by setting out the metes and bounds of the land or lands comprised in the Area.
- [4,52 of 1982] (3) Upon the publication of an Order declaring a Reclamation and Development Area under subsection (1)it shall be the duty of the Corporation hereinafter established by this Act to reclaim and develop that Area.
- (4) Parliament may by resolution revoke any Order made by the Minister under this section within fifty days of the publication of such Order in the Gazette, and in the computation of such period of fifty days no account shall be taken of any period during which Parliament is prorogued-Such revocation shall be without prejudice to anything previously done thereunder.

Prohibition
against filling
or developing
a
Reclamation
and
Development
Area.

[3,35 of 2006]

- 2A.
- (1) No person shall without the written approval of the Corporation, fill or develop in any manner whatsoever, any extent of land situated within any area of land declared to be a Reclamation and Development Area under section 2.
- (2) The Corporation may, on a written application made by any person seeking approval for filling or developing any extent of land within any area declared to be a Reclamation and Development Area, grant approval for the same, subject to such terms and conditions as it may consider necessary.

(3) Every person who acts in contravention of the provisions of subsection (1) or fails to comply with the terms and conditions subject to which an approval has been granted under subsection (2), shall be guilty of an offence under this Act.

(4) Where the chief executive officer of the Corporation is informed that any person is contravening the provisions of subsection (1) he shall take all appropriate measures to prevent such person from carrying on the unlawful activity, and may where necessary, obtain the assistance of the officer-in-charge of the Police Station within whose area of authority the extent of land or any part thereof in which the alleged unlawful activity is being carried on, is situated. It shall be the duty of such Police Officer to provide all necessary assistance to the chief executive officer or any officer or servant authorized in that behalf by the chief executive officer, to prevent such person, his agents or servants from carrying on the unlawful activity, in contravention of the provisions of subsection (1).

(5) Where under subsection (4), the chief executive officer of the Corporation or the officer or servant authorised by such chief executive officer, fails to prevent any person from carrying on an unlawful activity in contravention of the provisions of subsection (1), he may make an application to the Magistrate's Court within whose local jurisdiction the extent of land or any part thereof in which the alleged unlawful activity is being carried on, is situated, for the issue of an order restraining him or his agents or servants from acting in contravention of the provisions of subsection (1) and where necessary for an order granting him authority either to demolish any building or construction whether wholly or partly built which may have been erected on such extent of land or of taking such buildings or construction into his custody.

(6) If on the conclusion of the inquiry under subsection (5) the Magistrate is not satisfied that the person showing cause has lawful authority to fill or develop the extent of land, he shall –

(a) make an order restraining such person or his agents and servants from doing any act in contravention of this section; and

(b) where necessary, make order authorising the demolition of any building or construction built thereon.

(7) Where any person to whom approval has been granted under subsection (2) has failed to comply with the terms and conditions subject to which such approval was granted, the chief executive officer of the Corporation may direct such person to comply with the same and where such person fails to do so, he may make an application to the Magistrate's Court within whose jurisdiction the extent of land or any part thereof is situated, and obtain an order-

(a) restraining such person, his agents and servants from acting in contravention of the terms and conditions imposed ; and

(b) enabling the Corporation to carry out or cause to be carried out the work in compliance with the terms and conditions imposed and charge the cost of such operation on that person.

(8) The provisions of section 20A of this Act shall apply in respect of an application made under subsection (5) and subsection (7) respectively.

Declaration of **2B.**
an area as
low lying
marshy,
waste or
swampy.

[3,35 of 2006]

(1) The Minister may with the concurrence of the Minister in charge of the subject of Lands, by Order published in the Gazette determine any area of land other than an area declared to be a Reclamation and Development Area under section 2, as a lowlying, marshy, waste or swampy and specify in such Order the requirements to be complied with in filling or developing any such area.

(2) An Order under subsection (1) declaring an area as low lying, marshy, waste or swampy shall define such area by setting out the metes and bounds of such area.

(3) It shall be the duty of every person who proposes to carry out any filling or development activity in any area declared under subsection (1), to comply with the requirements specified in the Order made under that subsection and any person who acts in contravention, thereof shall be guilty of an offence under this Act.

(4) Where an Order under subsection (1) is made, the local authorities or any authorities within the area declared by such Order, whose approval is required for the purpose of construction of buildings or sub-division, shall, in granting such approval, ensure that the requirements specified in that Order are complied with and where such requirements are not complied with, notwithstanding anything to the contrary in any other written law, have the power to refuse to approve such construction of buildings or sub-division as the case may be, until such requirements are complied with to its satisfaction.

(5) Where the chief executive officer of the Corporation is informed that any person is acting in contravention of subsection (3), he may make an application to the Magistrate's Court within whose local jurisdiction the area declared under subsection (1) is situated for the issue of an Order restraining such person or his agents or servants from acting in contravention of the provisions of subsection (3) and where necessary for an Order granting authority to demolish any building or construction whether wholly or partly built which may have been erected in any such area.

(6) The provisions of section 20A of this Act shall apply in respect of an application made under subsection (5).

(7) If on the conclusion of the inquiry the Magistrate is not satisfied that the person showing cause has sufficient reason for not complying with the requirements specified in the Order made under subsection (1), he shall make an order restraining such person or his servants and agents from doing any act in contravention of this section and an order authorising the demolition of any building or construction erected thereon."

VESTING AND ACQUISITION OF LAND

Vesting in the **3.**
Board of
lands which
are situated [5,52 of 1982]
within the
jurisdiction of
local
authorities
and which
comprise
Reclamation
and
Development [2,27 of 1976]
Areas.

(1) Any land or lands which comprises or comprise a Reclamation and Development Area declared by an Order under section 2, and which is or are vested in any local authority or authorities or in any other authority within the jurisdiction of which such land or lands is or are situated shall from the date on which that Order is made, without any formal transfer thereof vest absolutely in the Corporation free from all encumbrances.

(2) No compensation, except as provided in section 4B, shall be payable by the Corporation in respect of any land which vests in the Corporation by reason of the operation of the provisions of subsection (1) and section 3A.

Vesting of State Land in the Corporation. 3A.

[3,27 of 1976]

(1) Notwithstanding anything in the State Lands Ordinance or in any other written law, where the Minister certifies that any State land which is low-lying, marshy, waste or swampy and falls within any Reclamation and Development Area declared by an Order under section 2. is required to be made available to the Corporation for the purpose of any reclamation and development project, the Minister may, with the concurrence of the Minister in charge of the subject of State Lands by Order (hereafter in this Act referred to as a "vesting Order") published in the Gazette, vest such land in the Corporation, with effect from such date as shall be specified in the Order.

(2) A vesting Order shall have the effect of giving the Corporation absolute title to any land specified in the Order with effect from the date specified therein and free from all encumbrances.

(3) The vesting of any State land in the Corporation shall not be deemed to convey any right to any mineral, mineral product or mineral oil in, upon or under that land and any such mineral, mineral product or mineral oil shall, notwithstanding any such vesting, be deemed to remain and shall remain the absolute property of the Republic.

(4) Where any State land is to be vested in the Corporation, the Chairman of the Corporation may, if there is no plan of that land made by the Surveyor-Generals Department, cause a survey and plan of that land to be made by a licensed surveyor approved by the Surveyor-General.

Compulsory acquisition of any kind which comprises a Reclamation and Development Area and which is not vested in the local authority within the jurisdiction of which that land is situated. 4.

[6,52 of 1982]

(1) Where any Reclamation and Development Area declared by an Order under section 2 comprises any land which is not vested in a local authority or authorities or in any other authority within the jurisdiction of which such land is situated, such land may be acquired under the Land Acquisition Act by the Government for the Corporation, and the provisions of that Act shall, save as otherwise provided in subsection (2), apply for the purpose of the acquisition of that land.

(2) In any case where any land referred to in subsection (1) is to be acquired under the Land Acquisition Act and public notice of the intention to acquire that land is published as required by that Act at any time within the period of five years reckoned from the date of commencement of this Act, the market value of that land for the purposes of determining the amount of compensation to be paid in respect of that land shall, notwithstanding anything to the contrary in that Act, be deemed to be the market value which that land would have had at the date of commencement of this Act if it then was in the same condition as it is at the time of acquisition.

PART IA
SALE OF LAND BY THE CORPORATION

Declaration of 4A.
canal
reservations.

[5,35 of 2006]

(1) Any area of land on a canal bank may be declared by Order published in the Gazette, as a canal reservation by the Minister with the consent of the local authority within whose area of authority such area of land is situated, and such Order shall define the area declared by setting out metes and bounds of that area.

(2) No building or any structure whether temporary or otherwise shall be constructed on any area declared to be a canal reservation under subsection (1) without the written approval of the chief executive officer of the Corporation. An approval given under this subsection shall be subject to such terms and conditions as may be determined by the chief executive officer on the recommendation of the Divisional Secretary or the Provincial Commissioner of Lands of the division or the Province respectively, where the land is situated.

(3) Every person who acts in contravention of the provisions of subsection (1) or fails to comply with such terms and conditions subject to which an approval has been granted under subsection (2) shall be guilty of an offence under this Act.

(4) Where the chief executive officer of the Corporation is informed that any person is acting in contravention of subsection (2) he may make an application to the Magistrate's Court within whose local jurisdiction the area declared as a canal reservation is situated for the issue of an order restraining him or his agents or servants from acting in contravention of the provisions of subsection (2) and for an order granting authority to demolish any building or structure constructed on any such area declared as a canal reservation.

(5) If on the conclusion of the inquiry the Magistrate is satisfied that the building or structure had been constructed without the written approval of the chief executive officer he shall make an order restraining such person or his servants and agents from doing any act in contravention of this section and further order the demolition of such building or structure as the case may be.

(6) Where any person to whom approval had been granted under subsection (2), has failed to comply with the terms and conditions subject to which such approval was granted, the chief executive officer may direct such person to comply with the same and where such person fails to do so, he may make an application to the Magistrate's Court within whose jurisdiction such canal reservation or any part thereof is situated and obtain an order—

(a) restraining such person, his agents and servants from acting in contravention of the terms and conditions imposed; and

(b) enabling the Corporation to carry out or cause to be carried out, the construction work in compliance with the terms and conditions imposed and charge the cost of such construction work on that person.

(7) The provisions of section 20A of this Act shall apply in respect of an application made under subsection (4) and subsection (6).

Right to sell land vested in or acquired by The Corporation. **4B.** Notwithstanding anything in the State Lands Ordinance or in any other written law, the Corporation may, with the approval of the Minister given after consultation with the Minister in charge of the subject of Housing, the Minister in charge of the subject of Industries and the Minister in charge of the subject of Local Government, sell for any housing, commercial, industrial or agricultural purpose, any land vested in or acquired by the Corporation under section 3 or section 3A or section 4 or construct and sell houses and buildings on any such land.

[4, Law 27 of 1976]
[4,35 of 2006]
[6,35 of 2006]

The Corporation shall pay to the local authority or the Land Commissioner the reclaimed "Blue of land vested.

4C. Where any land vested in the Corporation under section 3 or section 3A, is sold, the Corporation shall pay to the local authority or the Land Commissioner, as the case may be, the unreclaimed value of such land as determined by the Minister in consultation with the Minister in charge of the subject of Finance.

[4, Law 27 of 1976]
[4,35 of 2006]

PART II

ESTABLISHMENT OF THE COLOMBO DISTRICT (LOW-LYING AREAS) RECLAMATION AND DEVELOPMENT CORPORATION

Establishment of the sri lanka land reclamation and development corporation. **5.**

(1) A Corporation to be called the sri lanka land reclamation and development corporation is hereby established.

(2) The Corporation shall be a body corporate having perpetual succession and a common seal and may sue and be sued in the name assigned to it by subsection (1).

Members of the Corporation. **6.**

(1) The Corporation shall consist of the following:-

(a) three ex official members, namely,

(i) the Director of Irrigation,

(ii) the Director of Town and Country Planning, and

(iii) the Commissioner for National Housing; and

[7,52 of 1982] (b) six other members appointed by the Minister, one of whom at least shall be a qualified Civil Engineer.

(2) A person shall be disqualified for appointment by the Minister as a member of the Corporation or for continuing as a member so appointed-

(i) if he is a Member of Parliament, or

(ii) if he, directly or indirectly, has any interest in a subsisting contract with, or in any work being done for, the Corporation except as a shareholder (other than a director) in an incorporated company, or

(iii) if he has any such financial or other interest as is likely to affect prejudicially the discharge by him of his duties as a member of the Corporation.

(3) If a member of the Corporation other than an ex officio member is temporarily unable to function as such member, the Minister may appoint any person to act as a member of the Corporation.

(4) Every member of the Corporation other than an ex officio member shall, unless he vacates the office of member of the Corporation earlier, hold such office for a period of three years commencing on the date of his appointment.

Provided that a person who is appointed as a member of the Corporation in place of a member who has vacated office before the end of his term of office shall, unless the member so appointed vacates the office of member of the Corporation earlier, hold such office during the unexpired part of such term.

(5) A member of the Corporation other than an ex officio member may resign the office of such member by letter addressed to the Minister.

(6) The Minister may, without assigning any reason, remove from office a member of the Corporation other than an ex officio member.

(7) A member of the Corporation other than an ex officio member shall be deemed to have vacated office-

(a) on sending his resignation in writing to the Minister; or

(b) on his removal from office by the Minister; or

(c) on the expiry of his term of office.

(8) All or any of the members of the Corporation may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

(9) No act or proceeding of the Corporation shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the appointment thereof.

Chairman of 7.
the
Corporation,

(1) The Minister shall appoint as the Chairman of the Corporation one of the members of the Corporation other than an ex officio member.

(2) If the Chairman of the Corporation is temporarily unable to function as such Chairman, the Minister may appoint any member of the Corporation, other than an ex officio member, to act as the Chairman of the Corporation.

(3) The Chairman of the Corporation shall, unless he vacates the office of Chairman earlier, hold such office during the term for which he is a member of the Corporation :

Provided that a person appointed to act as the Chairman of the Corporation during the absence of the Chairman of the Corporation who is temporarily unable to function as such Chairman shall, unless he vacates the office of Chairman earlier, hold such office during such absence.

(4) The Chairman of the Corporation may resign the office of Chairman by letter addressed to the Minister.

(5) The Minister may, without assigning any reason, terminate the appointment of any member of the Corporation as the Chairman of the Corporation.

(6) The Chairman of the Corporation shall be deemed to vacate the office of Chairman if he resigns such office or if his appointment as such Chairman is terminated by the Minister or if he ceases to be a member of the Corporation.

8. The objects of the Corporation shall be-
Objects of the Corporation.

[8,52 of 1982]

[5, Law 27 of 1976]

(a) to reclaim and develop every Reclamation and Development Area declared by Order under section 2 and to render such area suitable for any building, industrial, commercial or agricultural purpose;

(b) to have the custody, management and control, pending such reclamation and development, of lands comprising such Area which are under the provisions of this Act vested in the Board; and

[7,35 of 2006]

(c) to undertake construction work and consultancy assignments in the field of Engineering, in areas other than those areas declared by Order under section 2 of this Act; and;

[7,35 of 2006]

(d) to have the custody, management, improvement maintenance and control of canals and the prevention of pollution of canals.

9.
General powers of the Corporation.

[9,52 of 1982]

(1) The Corporation may exercise all or any of the following powers:-

(a) to acquire, hold or take on lease any property, or mortgage, pledge, sell or otherwise dispose of any property;

(b) to undertake the preparation and execution of development schemes in the Reclamation and Development Areas declared under section 2;

(ba) to formulate or execute any scheme of work in connection with the infrastructure development of such Areas;

(bb) to construct harbours and anchorages and to undertake work in the field of irrigation, sea reclamation and coastal development in such Areas;

(c) to cause the construction of roads in such Areas,

(d) to cause the construction of works for the provision of public services in such Areas including-

(i) surface water drainage, sewerage and disposal of sewage,

(ii) lighting, and

(iii) water supply;

(da) to carry out building, engineering and construction work including the manufacture of any material required for such building, engineering or construction work;

(pp) to provide advisory and consultancy services on engineering and technological matters;

(qq) to enter into any contract with any person for the execution of land development projects and schemes as may be approved by the Government

(e) to enter into and perform all such contracts as may be necessary for carrying out the objects, and for the exercise of the powers, of the Corporation:

(f) to make rules in respect of the administration of the affairs of the Corporation ;

(g) to do all other things which in the opinion of the Corporation are necessary to facilitate the proper carrying out of its objects.

(2) Notwithstanding the provisions of subsection (1) of this section the Corporation shall not exercise the powers under paragraphs (ba), (bb) and (da) in any area declared to be a development area [Cap. 602] under section 3 of the Urban Development Authority Law without obtaining the prior approval of the Urban Development Authority

9A. Notwithstanding anything in section 9 of this Act, the Corporation may engage in or carry out any activity relating to the achievement of the objects of this Act, as set out in section 8 that may be approved by the Cabinet of Ministers.”.

Corporation to carry out any activity entrusted to it by the Cabinet or Ministers.

Borrowing powers of the Corporation. **10.** The Corporation may, with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow by way of overdraft or otherwise, such sums as the Corporation may require for meeting its obligations; Provided that the aggregate of the amounts outstanding in respect of any loans raised by the Corporation under this section shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Capital of the Corporation. **11.**

[6, Law 27 of 1976]

(1) The initial capital of the Corporation Shall be-

(a) one million rupees consisting of grants or loans given or made available by the Government on such terms and conditions as may be determined by the Minister in charge of the subject of Finance; and

(b) the value of such property as may be transferred to the Corporation by any Government department or corporation by an order, or with the consent of the Minister in charge of that department or corporation.

(2) The amount of the initial capital of the Corporation shall be paid or made available to the Corporation in such instalments as the Minister in charge of the subject of Finance may in consultation with the Minister determine.

(3) The capital of the Corporation may be increased, from time to time, by the value of any property transferred to the Corporation as provided by paragraph (b) of subsection (1) and by such amounts as may be authorized by any Appropriation Act or by resolution of Parliament, and such amounts shall be paid or made available to the Corporation by the Government by way of grant or loan on such terms and conditions as may be determined by the Minister in charge of the subject of Finance.

Seal of the Corporation. **12.**

(1) The seal of the Corporation shall be in the custody of such person as the Corporation may decide from time to time.

(2) The seal of the Corporation shall not be affixed to any instrument or document except in the presence of the Chairman, or some other member, of the Corporation and the chief executive officer of the Corporation, both of whom shall sign the instrument or document in token of their presence.

Procedure at meetings of the Corporation. **13.**

(1) Subject to the provisions of subsection (2), the members of the Corporation may regulate the procedure to be followed at meetings of the Corporation.

(2) The quorum for any meeting of the Corporation shall be five.

PART III
STAFF OF THE CORPORATION

Appointment of officers and servants. **14.**

(1) The Corporation may appoint such officers and servants as it considers necessary for the efficient discharge of its functions.

(2) The officers and servants of the Corporation shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by the Corporation.

(3) At the request of the Corporation, any officer of the public service may, with the consent of that officer and of the Secretary to the Treasury, be temporarily appointed to the staff of the Corporation for such period as may be determined by the Corporation with like consent or be permanently appointed to such staff. The provisions of subsections (2) and (3) of section 26 of the Government-Sponsored Corporations Act shall, mutatis mutandis, apply in relation to any officer in the public service who is temporarily or permanently appointed to the staff of the Corporation.

(4) Where the Corporation employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Corporation by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

PART IV
FINANCE AND ACCOUNTS

Fund of the Corporation.

15. The Corporation shall have its own fund. All moneys received by the Corporation, including such sums as may be paid to the Corporation out of the Consolidated Fund, shall be credited to the fund, and all payments made by the Corporation shall be made therefrom.

Accounts of the Corporation.

16. The Corporation shall cause its accounts to be kept in such form and in such manner as the Minister may direct.

(1) The accounts of the Corporation shall be audited annually by an auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor shall be paid by the Corporation such remuneration as the Minister may, with the concurrence of the Minister in charge of the subject of Finance, determine.

(2) The Auditor-General shall have power-

(a) to direct the manner in which the accounts of the Corporation shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor; and

(b) to conduct a supplementary or test audit of the accounts of the Corporation by such person or persons as the Auditor-General may authorize in that behalf, and for the purposes of such audit to require any person to furnish information or additional information to the person or persons so authorized, on such matters, and in such form, as the Auditor-General may, by general or special order, direct.

(3) The auditor shall examine the accounts of the Corporation and ascertain the correctness of the balance sheet and furnish a report to the Auditor-General stating-

(a) whether he has or has not obtained all the information and explanations required by him; and

(b) whether in his opinion the balance sheet and the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Corporation.

(4) The Auditor shall submit a copy of his report to the Auditor-General who shall have the right to comment upon, or supplement, the auditor's report in such a manner as the Auditor-General may think fit.

(5) The Auditor-General shall transmit the auditor's report together with his comments upon, or his supplement to, such report to the Corporation.

(6) For the purposes of this section the expression " auditor " means-

(a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute ; or

(b) a firm of Accountants each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute.

Documents to **18.**
be
transmitted to
the Minister
and to be
placed before
Parliament.

(1) The Corporation shall, on receipt of the auditor's report in respect of any year, transmit to the Minister within nine months of the expiry of that year-

(a) a copy of such report together with the Auditor-General's comments (if any) upon, and his supplement (if any) to, such report;

(b) a copy of the revenue and expenditure account;

(c) a copy of the balance sheet; and

(d) a report by such Corporation on its work for the period for which the revenue and expenditure account and the balance sheet have been made up.

(2) The Minister shall lay copies of the documents transmitted to him under subsection (1) before Parliament within two months of the receipt of such documents by the Minister.

PART V MISCELLANEOUS

Compulsory **19.** Where any land (other than land referred to in section 4) or any acquisition of interest in such land is required by the Corporation for any of its purposes, such land or interest may be acquired under the Land Acquisition Act by the Government for the Corporation, and the provisions of that Act shall apply for the purposes of the acquisition of that land or interest.

or any
interest in
such land for
any purpose
of the
Corporation.

Special grant **20.** Where any immovable property of the State is required for any purpose of the Corporation, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the State Lands Ordinance and accordingly the provisions of that Ordinance shall apply to a grant or lease of such property to the Corporation.

Procedure for **20A.**
application for
restraining
Order.

[8,35 of 2006]

(1) Every application for an order under subsection (5) of section 2A, subsection (5) of section 2B, subsection (4) of section 4A or subsection (2) of section 20c shall be supported by an affidavit verifying the matters set out in the application.

(2) Upon receipt of the application the Magistrate shall forthwith issue summons on the person named in the application to appear and show cause on the date specified in such summons (being a date not later than two weeks from the date of issue of such summons) as to why he or his servants or agents should not be restrained as prayed for in the application.

(3) If on the date specified in the summons the person to whom such summons has been issued fails to appear or informs the Court that he has no cause to show against the issuing of such order the Court shall forthwith issue an order as prayed for in the application.

(4) If the person on whom summons has been issued duly appears in Court and states that he has cause to show against issuing such order the Court may proceed forthwith or may set the case for inquiry on a later date.

(5) The Court shall be competent to call for any evidence from the chief executive officer of the Corporation in support of the application.

(6) The Court may at the conclusion of the inquiry, issue an order as specified in section 2A, or section 2B or section 4A or section 20c as the case may be, or dismiss the application.

Certificate of
chief
executive
officer to be
prima facie
evidence of
the facts
therein.

[8,35 of 2006]

20B. Where in any proceeding instituted under this Act, a question arises as to whether any land is situated within,

(a) an area declared by Order under section 2 to be a Reclamation and Development area ; or

(b) an area determined by an Order under section 2B to be a low- lying, marshy, waste or swampy area ; or

(c) an area declared by Order under section 4A to be a canal reservation,

a Certificate under the hand of the chief executive officer of the Corporation to the effect that the land specified in such certificate is situated in a reclamation and development area or a low-lying, marshy, waste or swampy area or a canal reservation, as the case may be, shall be admissible in evidence and shall be prima facie evidence of the facts stated therein.

Pollution of canals an offence.

[8,35 of 2006]

20C.

(1) Any person who pollutes or causes the pollution of any canal of which a canal reservation has been declared by Order under section 4A, by dumping or discharging into such canal any pollutant shall be guilty of an offence and be liable on conviction after summary trial before a Magistrate to a fine not less than one hundred thousand rupees and not exceeding five hundred thousand rupees and in the event of the offence being continued after conviction therefor with a fine of one thousand rupees for each day that the offence is so continued.

(2) Where such pollution-

(a) continues unabated for a period exceeding fourteen days after such conviction ; or

(b) causes a serious threat to the maintenance of the free flow or safety or quality of water of such canal.

the Magistrate shall forthwith upon an application being made by the Corporation by Order require the persons causing such pollution to eliminate the causes of pollution by closing down any business, trade or the activity which is directly or indirectly responsible for causing such pollution with the assistance of the fiscal or police as shall be necessary in the circumstances .

(3) For the purpose of this section "pollution" and "pollutant" shall have the same meaning as in the National Environmental Act, No. 47 of 1980.

Minister's directions to the Corporation.

21. In the exercise of its duties and powers under this Act the Corporation shall be subject to and act in accordance with such general or special directions as the Minister may, from time to time, issue-

Power to enter land or premises.

22.

(1) Any officer or servant of the Corporation who is generally or specially authorized in that behalf by the Corporation may at all reasonable times enter upon any land or premises and there do such acts as may be reasonably necessary for the purpose of carrying out any work of the Corporation or of making any survey, examination or investigation, preliminary or incidental to the exercise of any power, or the discharge of any function, of the Corporation.

(2) Any person who without lawful excuse obstructs any officer of the Corporation while acting in pursuance of subsection (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

Penalty for offence for which no penalty is prescribed.

22A. Every person guilty of an offence under this Act for which no penalty is prescribed shall be liable to a fine not less than one hundred thousand rupees and not exceeding five hundred thousand rupees or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

[9,35 of 2006]

Power of Minister to modify certain written laws.

23. For the purpose of enabling the Corporation to exercise, perform or discharge, within any Reclamation and Development Area declared by Order under section 2, any power, duty or function under any of the enactments referred to in the Second Schedule to this Act, the Minister may, by Order published in the Gazette, declare that any such enactment shall, in its application within that Area, have effect subject to such modifications as may be specified in the Order.

Effect of other laws. **24.** The provisions of this Act or any regulation or Order made under this Act shall have effect notwithstanding anything in any other written law.

Amendment of schedules. **25.** The Minister may, by Order published in the Gazette, amend any Schedule to this Act.

Revocation of Orders under section 23 and section 25. **26.** Parliament may by resolution revoke any Order made by the Minister under section 23 or section 25 of this Act within fifty days of the publication of such Order in the Gazette, and in the computation of such period of fifty days no account shall be taken of any period during which Parliament is prorogued. Such revocation shall be without prejudice to anything previously done thereunder.

Officers and servants of the Corporation deemed to be public servants within the meaning of the Penal Code. **26A.** All Officers and servants of the Corporation shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

[Cap. 25]
[12,52 of 1982]

Corporation deemed to be a scheduled institution within the meaning of the Bribery Act. **26B.** The Corporation shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

[Cap. 36]
[12,52 of 1982]

Regulations. **27.**

(1) The Minister may make regulations to give effect to the principles and provisions of this Act,

(2) No regulation made by the Minister shall have effect until it is approved by Parliament and notification of such approval is published in the Gazette.

Interpretation. **28.** In this Act unless the context otherwise requires, –

” Board ” means the sri lanka land reclamation and development corporation established by this Act.

[10,35 of 2006]

“retention area” means any low-lying area intended to store storm and run-off water for a limited period of time, until the available drainage system of the particular area is able to discharge the water.