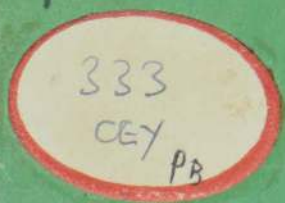


# LAND for THE PEOPLE

A Brochure  
On Crown Land  
Alienation

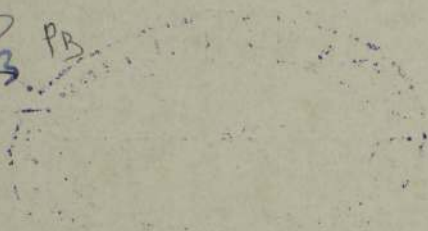


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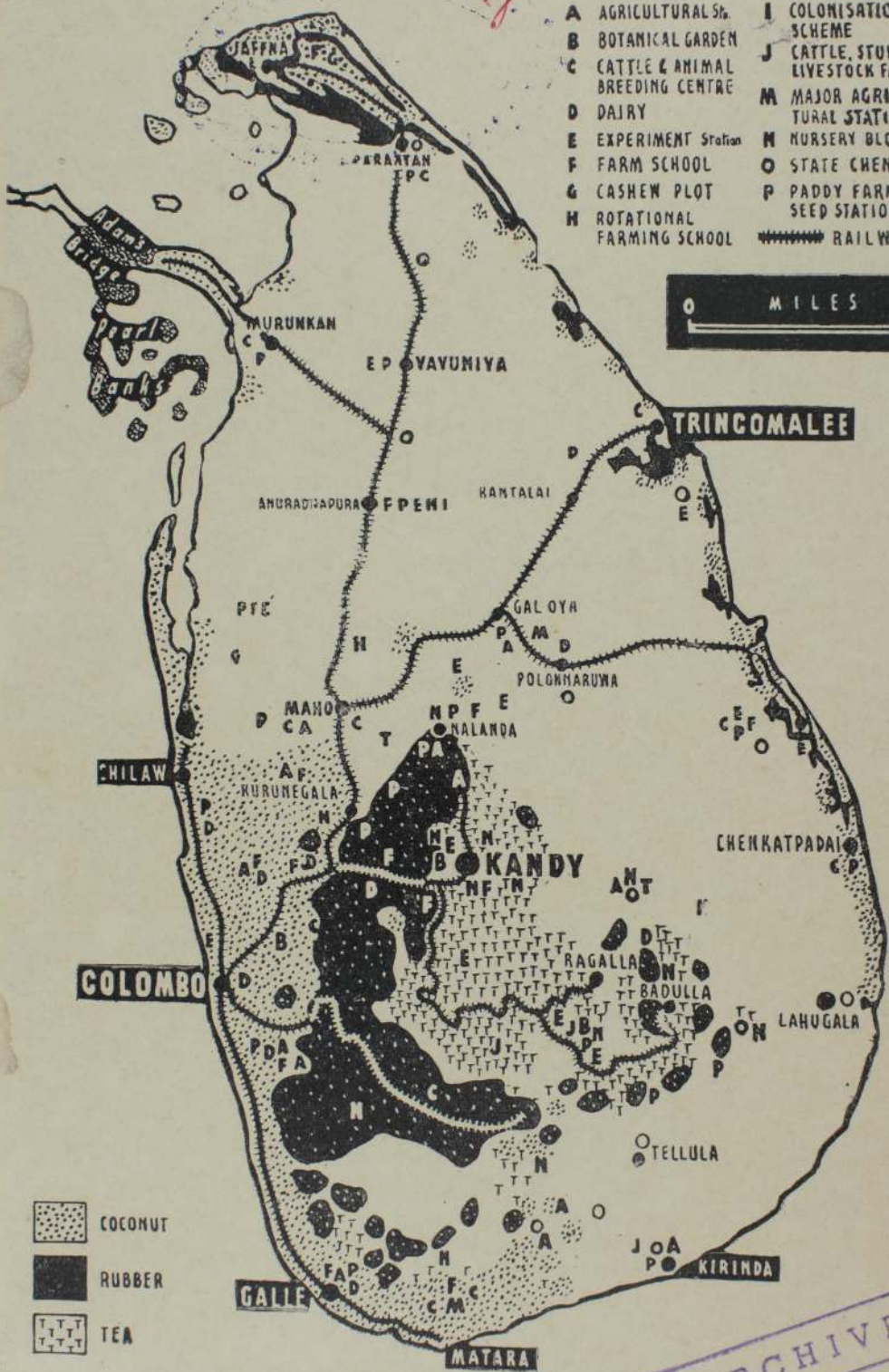
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- A AGRICULTURAL ST.
- B BOTANICAL GARDEN
- C CATTLE & ANIMAL BREEDING CENTRE
- D DAIRY
- E EXPERIMENT STATION
- F FARM SCHOOL
- G CASHEW PLOT
- H ROTATIONAL FARMING SCHOOL
- I COLONISATION SCHEME
- J CATTLE, STOD & LIVESTOCK FARM
- M MAJOR AGRICULTURAL STATION
- N NURSERY BLOCK
- O STATE CHENA
- P PADDY FARMS & SEED STATIONS
- RAILWAYS



- COCONUT
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# LAND for THE PEOPLE



A Brochure  
On Crown Land  
Alienation

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COLOMBO



## INTRODUCTION

THE total extent of Crown land in Ceylon is approximately 19,000 square miles, that is, 3/4th of the surface of the Island ; but as a major portion of it is in the dry zone where rainfall is unevenly distributed, the land available for cultivation is limited.

The Land Development Ordinance was passed into law in 1935 to release Crown land for agricultural purposes under three schemes :—

- Colonization,
- Village Expansion,
- Alienation to middle classes.

Land mapped-out for Colonization is intended primarily for the settlement of persons who come from overcrowded areas elsewhere. As a rule, only applications from peasants are entertained.

Where land is released under the Village Expansion Scheme, it is given in the ordinary course only to residents in the village who do not have enough land for their minimum needs.

Under the Middle-Class Scheme, land is given to middle-class Ceylonese whose income, as assessed for income tax purposes, is not more than Rs. 6,000.

All applications for Crown land must be addressed to the Government Agent of the Province or the Assistant Government Agent of the District **in which the applicant desires land**. Many people mistakenly address applications to the Land Commissioner or the Minister of Agriculture and Lands. Neither the Land Commissioner nor the Minister of Agriculture and Lands will entertain any such applications.

The land is given under the three methods referred to above on a restricted tenure. It is a compromise between an outright sale and a lease. It is not an outright sale in that the person

receiving the land is not allowed to do what he likes with the land when he has paid a sum of money to the Crown as the value of the land. It is not a lease in that the land is not given to the grantee for a fixed period.

No capital outlay is required to buy the land. In return for a small annual payment, the person getting the land or, after his death, his nominee is allowed to use it provided he complies with the conditions on which the land is given.

Each of the purposes for which Crown land is alienated under the Land Development Ordinance No. 19 of 1935 is considered in detail in the ensuing pages.



# ALIENATION OF LAND

## 1. Colonization

Colonization Schemes are generally on land irrigable under an Irrigation Work. Under present procedure the preparation of the land for the settlement of peasant-colonists begins three years before the completion of the Irrigation Work. The land is cleared and ridged, and cultivated as chena till the colonist takes possession. Houses are built on unirrigable land in close proximity to the irrigable area. The necessary roads and irrigation channels are provided.

The standard peasant holding consists of 5 acres of irrigable land and 3 acres of unirrigable land containing the house. Land is also set apart for civic centres, schools and hospitals all of which are erected at Government expense.

When the colonists are brought in, they are put in possession of their holdings and given planting material and implements free, a pair of buffaloes on loan, and a subsistence allowance of Rs. 15 a month for the first six months.

The land now in process of development is at Kagama, Minneriya, Parakrama Samudra, Giritale, Elahera, Minipe, Karachchi-Iranamadu, Ridi Bendi Ela, Dewahuwa and Bathmedilla. It is expected that the extents developed at each of these places by the end of 1953 will be approximately 2,150 ; 4,950 ; 22,000 ; 950 ; 7,200 ; 1,000 ; 1,300 ; 2,700 ; 3,700 and 1,700 acres, respectively. It is also expected that approximately 5,900 peasant families will be settled on the land by that date.

The procedure followed in selecting colonists, the conditions and incidents of tenure are described elsewhere in this publication.

## 2. Village Expansion

The size of the allotment made to each peasant applicant depends on the amount of land available, the number of applicants, the extent already possessed by each applicant and the use to which such land is put.

Other factors taken into account are physique, industry, experience in cultivation, honesty, and (especially in the case of an applicant past the prime of life) the presence of sons or sons-in-law who can help in the cultivation and succeed him. The aim is to provide sufficient land to enable one family to obtain a livelihood, though this principle is, of course, liable to be modified by circumstances.

In the case of peasant allottees, the annual payment charged does not exceed 2 per cent. of the value of the land at the date of alienation. The procedure followed in alienating land, the conditions and incidents of tenure, and the financial assistance available are described elsewhere in this publication.

The following extents of land mapped-out for Village Expansion are available for alienation to peasants :—

	A.	R.	P.		A.	R.	P.
(1) Kalutara ..	9,993	2	01	(8) Trincomalee ..	999	1	32
(2) Nuwara Eliya ..	2,368	1	37	(9) Kurunegala ..	3,648	3	26
(3) Matale ..	3,771	1	06	(10) Puttalam ..	3,094	3	17
(4) Galle ..	4,580	1	33	(11) Anuradhapura	73,697	0	00
(5) Matara ..	20,138	2	31	(12) Badulla ..	8,908	1	01
(6) Hambantota ..	26,850	3	32	(13) Ratnapura ..	2,309	2	34
(7) Batticaloa ..	1,633	0	00				

Where there is inadequate Crown land available for village expansion, it is the practice to acquire suitable private land for that purpose. No such acquisition is made unless a real necessity exists either—

- (a) to expand the limits of particular villages so as to relieve over-crowding and provide greater "living-space"; or
- (b) to settle the excess population of a number of villages on new village settlements within the land acquired.



Where such acquired land consists of compact blocks of over 250 acres, the policy is to run such estates on co-operative lines—the selected allottees being required to work on the land as agricultural labourers for at least two years in order to qualify for membership of the Co-operative Society which will ultimately be responsible for the management of the estate.

### 3. Alienation to middle-class Ceylonese

A “ Ceylonese ” is defined in the Land Development Ordinance as “ a person of either sex domiciled in this Island and possessing a Ceylon domicile of origin ”. In simpler, though less accurate language, this means a person whose parents, at the time of his (or her) birth, had made Ceylon their home and who has himself (or herself) made Ceylon his (or her) home.

A Ceylonese is considered to be a middle-class Ceylonese if his (or her) income, as assessed for Income Tax purposes for the Income Tax year ended on the previous March 31, was not more than Rs. 6,000.

- (1) in the case of spouses, the statutory income of either spouse is computed as though separate assessments had been claimed and made in pursuance of a notice duly given under the provisions of section 22 of the Income Tax Ordinance 1932 ;
- (2) in the case of spouses who have not been divorced by the decree of a competent Court, or who are not living apart under a duly executed deed of separation, neither spouse is deemed to be a middle-class Ceylonese if the joint statutory income of both spouses exceeds in the aggregate a sum of twelve thousand rupees.

As in the case of peasant allotments, the extent of land that is alienated to each applicant is determined by the land available, the number of applicants, the extent already possessed and the use made of that land. Other points considered are :

- (a) the capacity of the applicant to develop the land ;
- (b) the agricultural knowledge or experience of the applicant ;



- (c) the devotion by the applicant of his whole time and energy to agriculture ;
- (d) the character and physical fitness of the applicant ;
- (e) the residence of the applicant ;
- (f) the claims of the applicant, as the owner or lessee from the Crown of land adjoining or adjacent to the land to be allotted.

In deciding the extent and situation of the land to be allotted, it is endeavoured to meet, as far as possible, the wishes of the applicant. No Middle-class Ceylonese is, however, as a rule allotted more than an aggregate extent of 50 acres.

The annual payment charged is 4 per cent. of the value of the bare land at the date of alienation. No financial subsidies are given to middle-class Ceylonese allottees. On obtaining a grant, however, they are entitled to apply for a loan under the Land Development (Loans) Regulations.

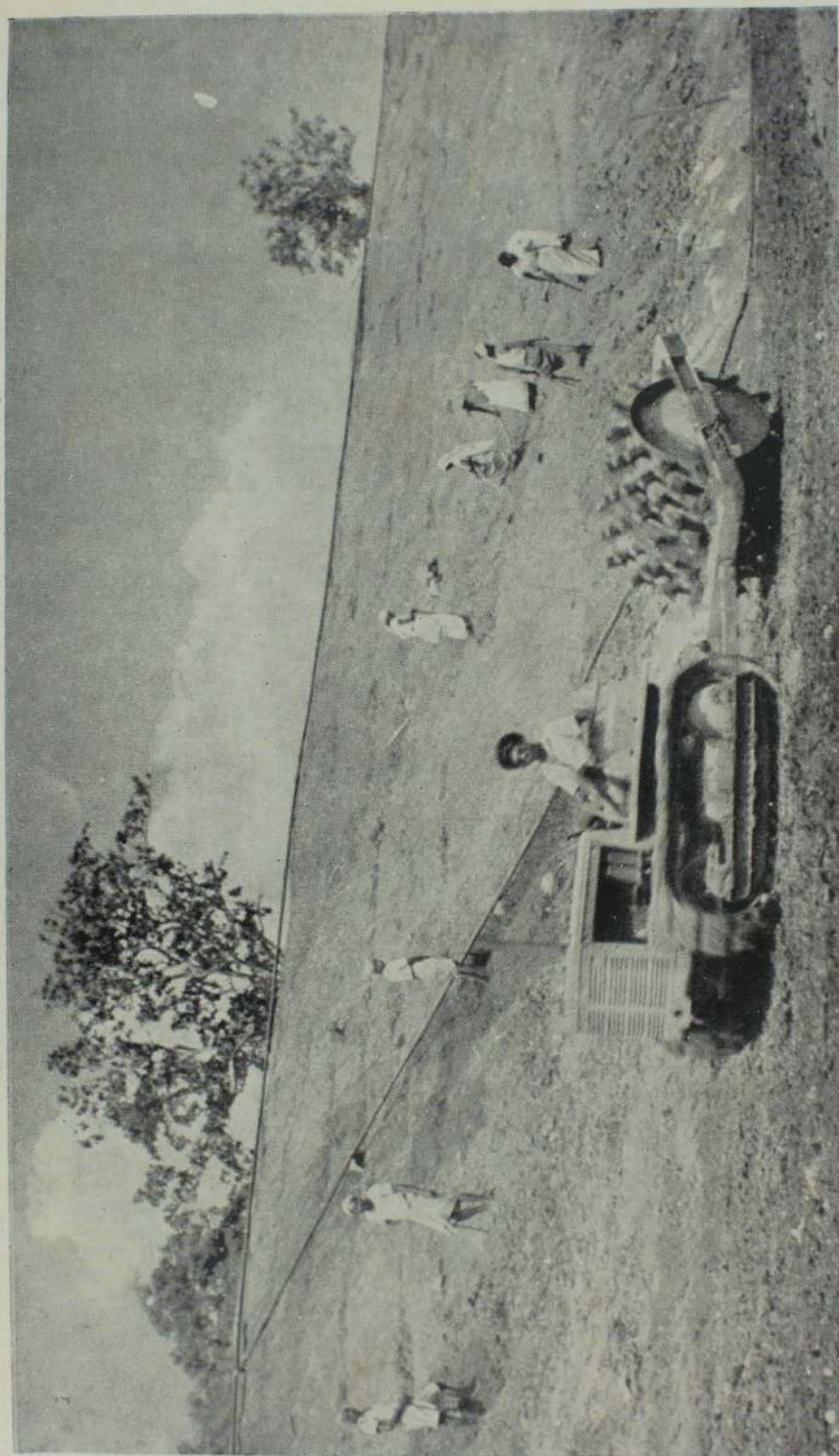
The following extents of land mapped-out for middle-class Ceylonese are available for alienation.

	A.	R.	P.		A.	R.	P.
(1) Kalutara ..	399	2	09	(8) Trincomalee ..	56	0	00
(2) Matale ..	1,660	0	00	(9) Kurunegala ..	366	0	28
(3) Galle ..	12,880	0	06	(10) Puttalam ..	1,795	2	26
(4) Matara ..	3,049	1	21	(11) Anuradhapura	698	0	00
(5) Hambantota ..	6,840	3	35	(12) Badulla ..	3,007	1	01
(6) Vavuniya ..	50	0	00	(13) Ratnapura ..	1,713	2	13
(7) Batticaloa ..	300	0	00				

The principles followed in the selection of applicants, the conditions and incidents of tenure, are in other respects much the same as in the case of peasant allottees.

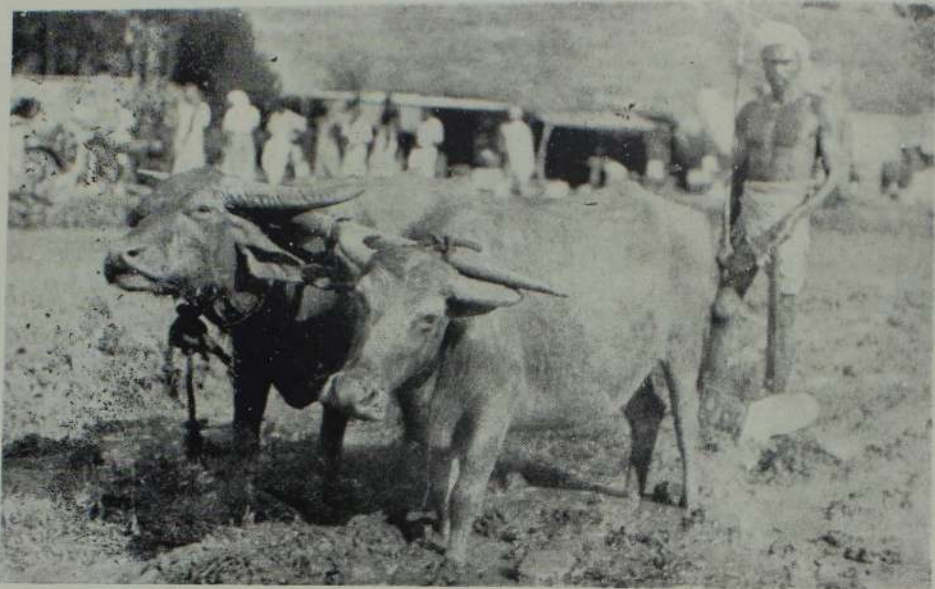
#### 4. Land Kachcheris

Land cannot be alienated under the Land Development Ordinance except on a permit or grant.



Tractors at work at Parakrama Samudra.



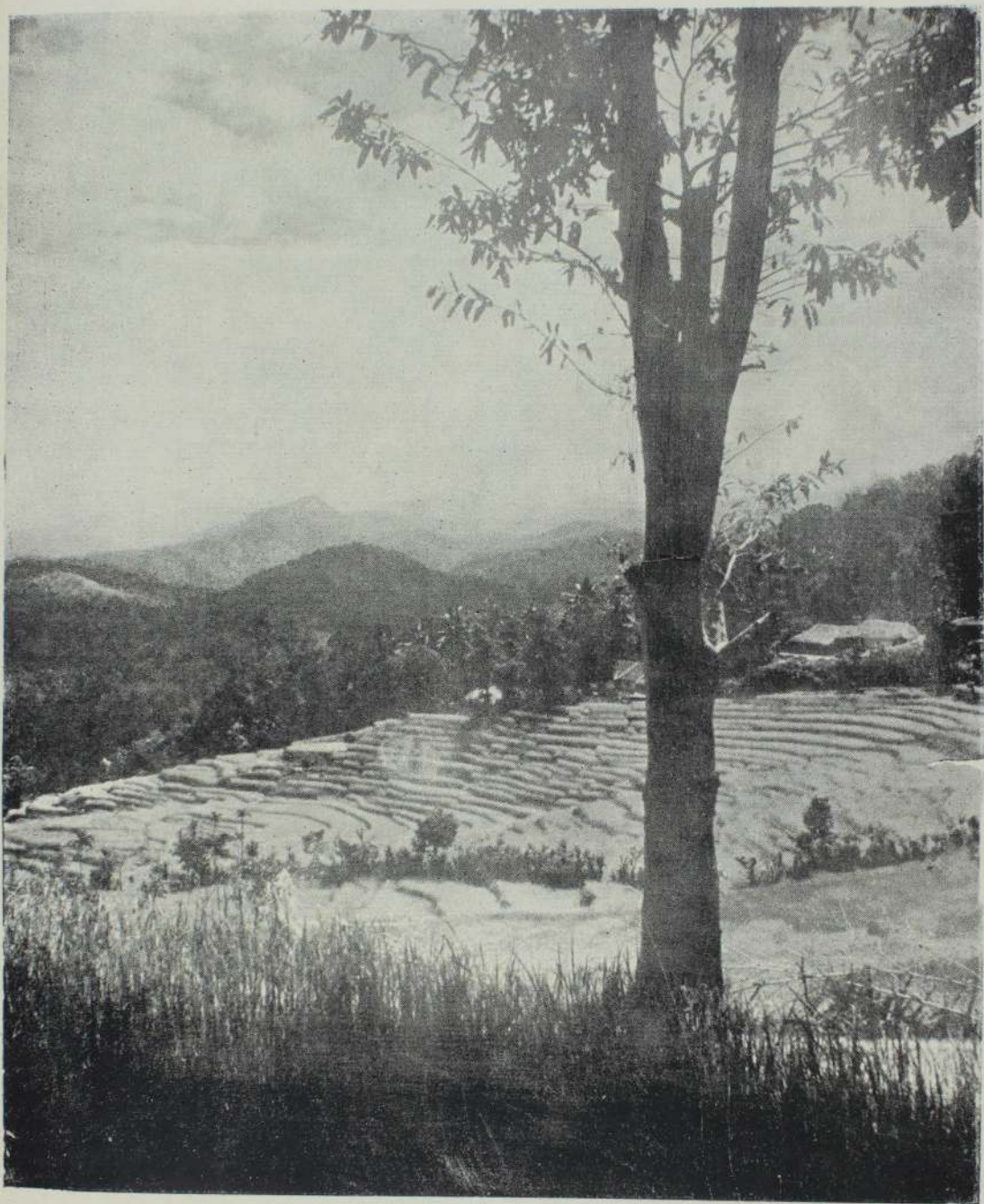


The light iron plough used by peasants. The Department of Agriculture has evolved two models—one for medium soils and to be drawn by buffaloes and the other for light soils and smaller draught animals.

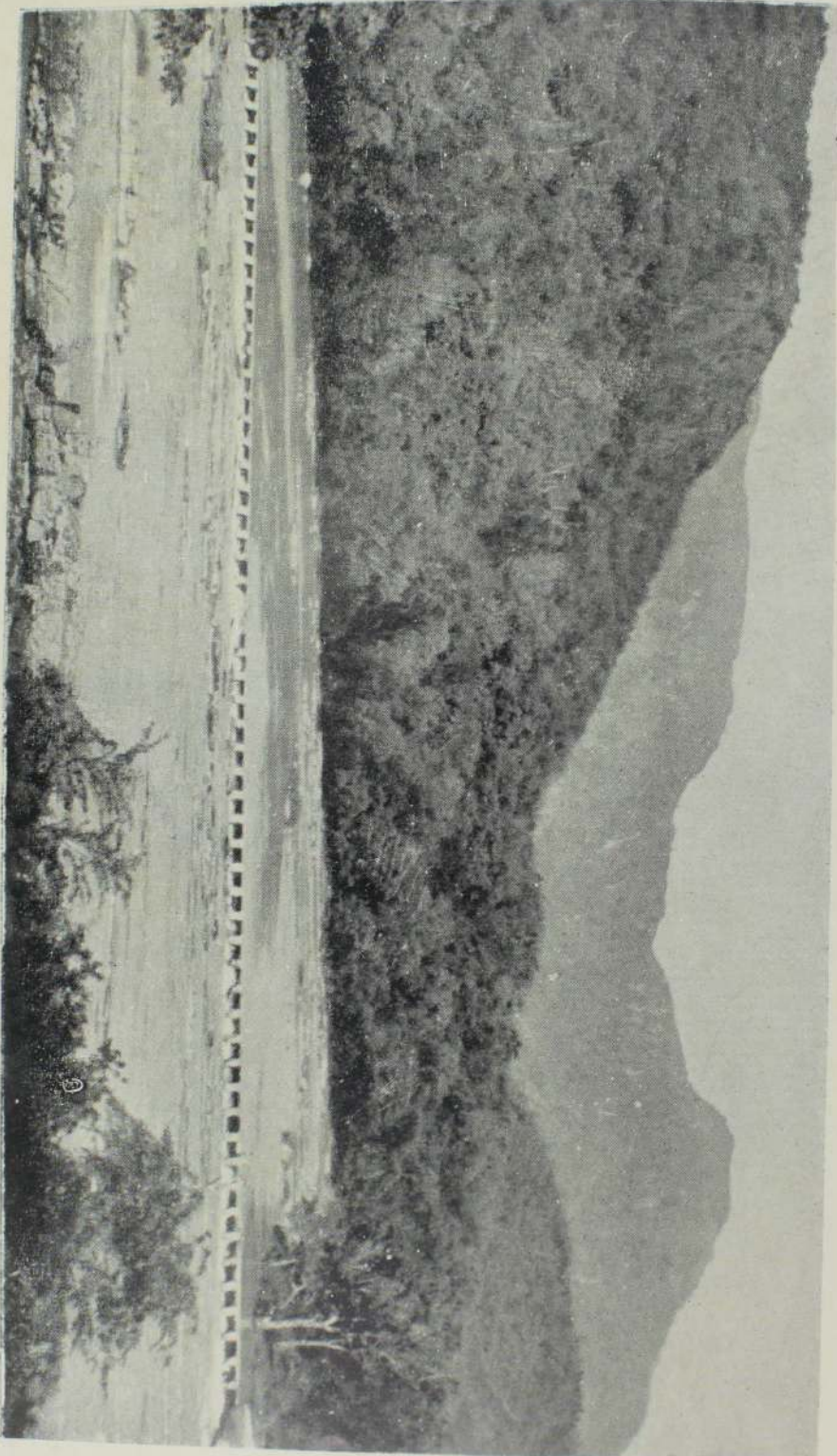


Tractor and disc plough at work. This has speeded up the process of tillage.





Terraced Paddy land predominate the landscape of the hill country.



**Ancient across the Mahaveli Ganga at Minipe :** One way of improving the living conditions of the peasant is the development of the land in the Dry Zone for colonization. The Government took on the work of clearing the jungle and providing houses for peasants and by the end of 1947 some 2,900 families had been settled on 21,000 acres of land. The settlements are at Minipe, Mimmeriya, Tabbowa, Kagama, Killimochchi, Elahera, Ridi Bendi Ela, Parakrama Samudra and Beragama.



The selection of persons to receive permits is ordinarily made at a Land Kachcheri. The selection of persons to receive grants cannot be made except at a Land Kachcheri.

A Land Kachcheri is a meeting held by a Government Agent, an Assistant Government Agent or a duly appointed Land Officer in the manner prescribed by the Land Development Ordinance for the purpose of alienating Crown Land. Notice of intention to hold a Land Kachcheri is published in the area from which persons are to be selected. Every such notice contains details of the lands available for alienation at that Land Kachcheri.

The Officer holding the Land Kachcheri may fix a date before which applications shall reach him. Where a date has been so fixed, any belated applications may be rejected. Otherwise, consideration is given to all applications received whether at or before the Land Kachcheri. The Officer holding the Land Kachcheri is empowered to require any applicant for land to deposit a sum not exceeding Rs. 3/- per acre of that land. This sum is liable to forfeiture if, owing to any action or omission of the applicant, Government is put to the expense of an unnecessary survey. The Officer presiding may—

- (a) select any applicant to receive a permit or a grant either immediately or on or before a future date ;
- (b) postpone consideration of any application ;
- (c) reject any application.

Any person aggrieved may appeal to the Land Commissioner.

Where land is alienated on permits to persons of the peasant class, no survey is made as a general rule before the selected applicant is placed in possession. The allotment is, however, marked out, and is usually surveyed only when the permit-holder has qualified for a grant. Land cannot be alienated on a grant unless it has been surveyed.



There is power in the Ordinance to require any person selected to receive a permit to deposit—

a sum not exceeding Rs. 15/- per acre of the land alienated to him. This deposit is intended to cover the risk of the land being abandoned after a time or the removal of timber therefrom. Timber on the land allotted is either sold at its *in situ* value to the person selected to receive a permit or it is left on the land. In the latter case, the permit-holder may utilize such timber for the erection of his house, watch huts, or for other purposes incidental to the cultivation he proposes. He may not, however, remove any timber from the land without permission or otherwise than in accordance with the conditions of such permission.

## 5. Permits and Grants

As stated above, no land can be alienated under the Land Development Ordinance except on a permit or grant. As a rule, an applicant is selected to receive a permit in the first instance. The permit contains an undertaking that a grant will be issued if certain conditions are fulfilled by the permit-holder.

Land alienated under a grant may be protected or unprotected. A grant issued for a protected holding includes a condition which precludes lease or mortgage, and disposition except with the prior permission in writing of the Government Agent or the Assistant Government Agent. In the ordinary course, grants are issued for protected holdings only.

The forms of permit and grant are prescribed under the Ordinance. One of the essential conditions of every permit and grant is that there shall be paid annually to the Crown the sum specified in such grant or permit. This sum, which is known as an "annual payment" should be distinguished from the rent payable on leases. Once the amount is fixed, it is not subject to periodical revision. A penalty is recoverable on belated payments.

In cases in which it is desirable to allow a certain period, either free or at a reduced annual payment, in order to assist the allottee to establish himself on the land, Government Agents and Assistant Government Agents are empowered either to remit or reduce the annual payments for a period, not exceeding six years from the date at which the holder of the permit or grant was placed in possession.

Provision is also made in the Ordinance for the waiver of annual payments in whole or in part if there is any general failure of crops, any exceptional fall in the price of any staple commodity, any epidemic or for other sufficient reason.

Other important conditions included in permits and grants are :

### PERMITS

- (a) conditions providing that specified improvements and cultivation shall be carried out upon specified portions of the land within specified periods of time, and for the maintenance of such cultivation ;
- (b) a condition requiring that the permit-holder shall within a specified time erect upon the land a dwelling house to the satisfaction of the Government Agent or Assistant Government Agent, and thereafter maintain it in good repair ;
- (c) a condition requiring residence on the land ;
- (d) conditions requiring the permit-holder to fence the land, and to take measures against surface erosion;
- (e) a condition providing that the Crown shall not be liable to pay compensation on any account whatsoever.

### GRANTS

- (a) a condition providing that the owner (i. e. the holder of a grant) shall not dispose of a divided share of the holding less in extent than the specified unit of subdivision;



- (b) a condition that the owner shall not dispose of an undivided share of the holding less than the specified minimum fraction;
- (c) a condition that no person shall be the owner of a divided share of the holding less in extent than the specified unit of sub-division;
- (d) a condition that no person shall be the owner of an undivided share of the holding less than the specified minimum fraction;
- (e) a condition that the holding or a specified portion or proportion thereof shall be regularly cultivated and utilised in any other manner specified in the grant;
- (f) conditions similar to (c), (d) and (e) of the conditions specified under "Permits".

The main differences in tenure between a permit and grant may be summarised as follows :—

#### PERMIT

1. No permit-holder shall execute or effect any disposition of the land held under his permit.
2. Not more than one person may be nominated as successor to land held under a permit.

#### GRANT

No protected holding shall be leased or mortgaged. Other dispositions of such holdings may, however, be made with the prior written permission of the Government Agent or Assistant Government Agent.

More persons than one may be nominated as successor to a holding, provided that such nomination does not contravene the conditions as to the unit sub-division and minimum fraction contained in the grant. The holder of a grant may also nominate a life-holder in addition to one or more successors.



3. No special formality is required either in the nomination or the cancellation of the nomination of a successor to land held under a permit. Such nomination or cancellation need only be endorsed on the permit and signed and dated by the Government Agent or the Assistant Government Agent.

4. A permit is personal to the permit-holder. No title whatever to the land held under a permit passes or accrues to his heirs or to any person other than the duly nominated successor. If no successor has been nominated or if the nominated successor fails to apply for a permit within one year of the death of the permit-holder the land vests in the Crown free from all encumbrances.

5. A permit-holder is not competent to receive a loan under the Land Development (Loans) Regulations.

The nomination of a life-holder or successor, and the cancellation of any such nomination, must be effected either on the form prescribed under the Ordinance or by last will, and must be registered.

Upon the death of the holder of a grant, the life-holder, if any, succeeds to the holding. Upon the death of the life-holder, the nominated successor, if any, succeeds. If no life-holder has been nominated or if the nominated life-holder fails to succeed, the nominated successor, if any, succeeds. In the absence or upon failure of both life-holder and successors, the title devolves on the surviving spouse, and failing such spouse, on one of the relatives of the owner specified in the Third Schedule to the Ordinance.

An owner is competent to receive a loan under the Land Development (Loans) Regulations.

## 6. Protection of land held on permits and grants

Reference has already been made to some of the provisions of the Ordinance which are designed to prevent the land of the peasant or middle-class Ceylonese from being taken away from him. It will be observed that no permit-holder may execute or effect any disposition of the land held under his permit, and that no protected holding can by law be leased or mortgaged. Other dispositions of a protected holding can be made only with the prior written permission of the Government Agent or the Assistant Government Agent.

Section 39 of the Ordinance further provides that no land alienated on a permit or as a protected holding shall be seized or sold in execution of the decree of any Court. Such seizure or sale is declared to be invalid. "Land" in this context includes any house upon the land, any standing crops thereon, and any produce upon the trees.

Where, however, the owner of a holding makes default in the due payment of any moneys payable by him to the Crown in respect of such holding, the Government Agent or the Assistant Government Agent may seize the crops and produce of such holding, and, if necessary seize the holding itself. The seizure of a protected holding operates as a cancellation of the grant, and vests the holding absolutely in the Crown free from all encumbrances. The person, who was the owner at the time of seizure, is, however, entitled to a re-conveyance upon payment of all dues and costs within one year from the date of the seizure.

#### **7. Financial Assistance to Colonists and Peasant Allottees**

The vote provided in the Annual Estimates for assistance to Colonists and peasant allottees is available for such purposes as:

- (a) developing the land;
- (b) erecting sanitary type-plan houses, latrines, wells, etc.
- (c) carry out anti-erosion measures.

Those allottees, who have obtained grants under the L.D.O., are also qualified to receive loans under the Land Development (Loans) Regulations, 1941. Loans are granted for any of the following purposes:

- (a) the construction, in the holding, of any well, tank or other work for the storage, supply or distribution of water for the purposes of agriculture or for any other purpose connected therewith or incidental thereto;
- (b) the drainage, or the protection from floods or from erosion or other damage by water or otherwise, of the holding;



- (c) the reclamation, clearance, enclosure or permanent improvement of the holding;
- (d) the purchase of livestock, fertilisers, planting material, agricultural implements, or machinery necessary for the successful operation of the holding;
- (e) the erection of houses, factories or other buildings in the holding;
- (f) the repayment of debts incurred by the owner of the holding for developing the holding, whether such debts were incurred before or after the grant in respect of that holding was issued to him.

Owners of protected holdings desirous of obtaining loans under these Regulations must make written application in that behalf to the Government Agent or Assistant Government Agent. Such loans are repayable in instalments, with interest, within a period not exceeding twenty-five years. No loan will as a rule exceed sixty per cent. of the value of the holding.

#### **8. Cancellation of permits and grants**

Every endeavour is made to induce owners and permit-holders to fulfil the conditions of their permits or grants, and only as a last resort are steps taken to cancel them. It is the general aim to prevent land which can be usefully allotted to other persons from lying abandoned and uncultivated. The procedure followed in the cancellation of permits and grants is laid down in Chapter VIII of the Ordinance. The Government Agent or Assistant Government Agent issues a preliminary notice on the permit-holder or owner intimating that such permit or grant will be cancelled unless sufficient cause is shown to the contrary. If, after inquiry, it is decided to cancel such permit or grant, a further notice is served on the permit-holder or owner stating that an appeal from such order will lie to the Land Commissioner or the Minister for Agriculture and Lands, as the case may be. Persons in possession or occupation of land, the permit or grant for which has been cancelled, can be summarily ejected under the procedure prescribed in Chapter IX of the Ordinance.





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