

LDB11/2007

**Agrarian Development Act, No. 46 of 2000**

REGULATIONS made by the Minister of Economic Development under section 95 of the Agrarian Development Act, No. 46 of 2000 as amended by Act, No. 46 of 2011 read with subsection (11) of section 39 and subsection (13) of section 42A of the said Act.

Basil Rohana Rajapaksa,  
Minister of Economic Development.

Colombo, 15th March 2013.

**Regulations**

1. These regulations may be cited as the Agrarian Development (Inquiry Procedure) Regulations, No.1 of 2013.

**PART I**

**INQUIRY PROCEDURE AGRARIAN TRIBUNALS**

2. Where any application, complaint or appeal is made or referred to the Agrarian Tribunal for inquiry the inquiry number given by the Commissioner General to any such application or complaint shall be used as the distinctive number of the inquiry, and the inquiries shall be held in accordance with the order of reference.

3. (1) An application or complaint made or referred to the Agrarian Tribunal shall be substantially in Form "A" set out in the Schedule hereto and shall be accompanied by an affidavit.

(2) An appeal made or referred to the Agrarian Tribunal shall be substantially in Form "8" set out in the Schedule hereto and shall be accompanied by an affidavit.

4. A written notice shall be sent, by registered post to the parties of the application, complaint or appeal at least fourteen days prior to the date of the Inquiry, requesting them to attend.

5. The notice sent under Regulation 4 shall mention the subject of the inquiry, the names and addresses of the parties and the date, time and place of the inquiry.

6. If any party fails to attend on the date and time of inquiry given in the notice, sent under Regulation 4, notwithstanding the provisions of subsection (8) of Section 39 of the Act, the inquiry may be postponed to another date and the date, time and place of the postponed inquiry shall be communicated in writing, by registered post to the parties.

7. It shall be stated in the notice referred to in Regulation 6 that if the applicant, complainant or appellant is absent and neither he nor his representative be present at the inquiry on the day fixed therefor without reasonable cause, the complaint will be rejected and that if the respondent is absent and neither he nor his representative be present on such day without reasonable cause, an ex-parte inquiry will be held.

8. No inquiry shall be held on a public holiday.

9. A journal entry of the particulars relating to the inquiry shall be made before the commencement of inquiry on each day.

10. The Agrarian Tribunal shall in the first instance, endeavor to effect a settlement between the parties and proceed with the matter only if a settlement cannot be effected.

11. The Agrarian Tribunal may upon written application made in that behalf, permit withdrawal of an application, complaint or appeal. On such an instance the Agrarian Tribunal may require the applicant, complainant or appellant to pay costs to the other party on its own discretion.

12. A party may be represented at an inquiry in person or by his representative who shall be appointed by such party in writing by a document substantially in Form "c" of the Schedule hereto.

13. An appointment made in terms of Regulation 13 may be cancelled in writing by a document substantially in Form "D" of the Schedule hereto.

14. The parties may give evidence at the inquiry and may request to call for witnesses. The party who requests to call for witnesses shall take action to summon witnesses:

Provided However, the Agrarian Tribunal may take action to issue summons to any witness subject to the payment of subsistence by the party concerned.

15. Cross examination of a witness shall be allowed after taking evidence in chief and re-examination shall be allowed only on the matters raised at the cross-examination of such witness.

16. The Agrarian Tribunal may obtain any evidence it deems necessary, and may permit any party to clarify any point.

17. When evidence is given by any party or any witness at the inquiry, it shall be taken down and read over and explained to such person and the words "Read over and explained to me" shall be inserted at the end thereof and the signature of the person who gave the evidence shall be obtained. Thereafter, the person who acts as the Agrarian Tribunal shall place his signature after the words "signed before me" and date the document.

18. The person who gives the evidence shall be allowed to read his own evidence, if he so requests. In such case, the words "Read and understood by me" shall be inserted before he signs the evidence and the Agrarian Tribunal shall attest the document.

19. When postponing an inquiry, the parties shall be so informed and the journal entry shall be signed by them.

20. The Agrarian Tribunal may postpone an inquiry at the request of either party on reasonable grounds.

21. At the end of the inquiry, parties may be required to submit oral or written submissions and an entry shall be made to that effect.

22. When the inquiry file is in the custody of the Agrarian Tribunal, if a request is made for certified copies of hearings, the Secretary of the Agrarian Tribunal shall cause such copies to be issued on payment of a fee charged in accordance with circulars issued by the Commissioner General specifying the charges to be levied and receipts to be issued for granting certified copies.

23. The decision of the Agrarian Tribunal shall be conveyed to the Commissioner General and the relevant parties by registered post.

24. Where a party to the inquiry had not preferred an appeal to the Board of Review within thirty days after receiving the decision of the Agrarian Tribunal, the file of the relevant inquiry shall be sent to the Commissioner General.

25. Where an appeal has been preferred to the Board of Review within the specified period in respect of the decision of the Agrarian Tribunal, —

- (a) copies of such appeal shall be sent to the Commissioner General and the respondent by registered post; and
- (b) the file of the relevant inquiry shall be kept in the custody of the Secretary of the Agrarian Tribunal.

26. The Secretary of an Agrarian Tribunal shall -

- (a) inform the Orders of such Agrarian Tribunal to relevant parties ;
- (b) keep the reports, documents, files and all equipment of such Agrarian Tribunal in his custody and shall be responsible for the protection of the same;
- (c) maintain an inquiry file which contains proceedings of the inquiry;
- (d) file all applications, complaints and appeals, other than requests for certified copies, in the inquiry file;
- (e) comply with the directions of the Agrarian Tribunal in respect of the applications, complaints and appeals made or referred to such Agrarian Tribunal; and
- (f) shall issue certified copies of the hearings of any inquiry conducted by the Agrarian Tribunal on a request made by any party to an Inquiry, and on payment of such fee levied in accordance with circulars issued by the Commissioner General specifying the charges to be levied and receipts to be issued for granting certified copies.

27. The Agrarian Tribunal shall conduct its meetings at least fifteen days per month.

28. Instructions may be given through circulars, issued from time to time, by the Commissioner General on general administration of the Agrarian Tribunal in the conduct of its meetings.

## *PART II*

### *Procedure of the Board of Review*

29. The Board of Review shall fix the dates of its meetings for each quarter in advance.

30. The Secretary of the Board of Review shall exhibit the dates so fixed, the numbers of the appeals and the names of parties.

31. Any party to a dispute who prefers an appeal shall cite the other party or parties to the dispute as the respondent or respondents of the petition.

32. Any petition of appeal shall be submitted to the Secretary of the Board of Review.

33. An appeal referred to the Board of Review shall be substantially in Form "E" set out in the Schedule hereto and shall be accompanied by an affidavit.

34. A copies of the petition of appeal shall be sent by the appellant to the Commissioner General and to the respondent or respondents by registered post.

35. Every petition of appeal shall bear stamps to the value of Rs. 50.00

36. The Secretary of the Board of Review shall, put the date stamp on every page of the petition of appeal and initial the same on the date of receipt thereof and acknowledge the receipt of such petition of appeal to the Board of Review, within fourteen days of such date of receipt.

37. If stamps to the value of Rs. 50.00 has not been affixed to the petition of appeal, the Secretary of the Board of Review shall inform the appellant by letter sent by registered post and require that stamps to the value of Rs.50.00 be affixed to the petition within fourteen days from the date of receipt of such letter .

38. The Secretary shall obtain the inquiry file relating to the appeal from the Agrarian tribunal.

39. The appellant or the respondent or respondents, as the case may be , may in person or by his representative make representations before the Board of Review .

40. The appellant or any party may appoint a representative to appear before the Board of Review.

41. A person appointed as an Agrarian Tribunal shall not be called before the Board of Review.

42. The decision of the majority of members of the Board of Review shall be deemed to be the decision of the Board of Review.

43. The Board of Review shall give reasons for its decision on any appeal and any member who does not agree may give his reasons for his dissent.

44. The decision of the Board of Review shall be communicated by registered post to every party to the appeal and the Commissioner General by the Secretary.

45. The Secretary of a Board of Review shall -

- (a) inform the Orders of such Board of Review to every party;
- (b) keep the reports, documents and all equipment of the Board of Review in his custody;
- (c) maintain records of all hearings of appeals held by the Board of Review;
- (d) file all petitions of appeal, other than requests for certified copies;
- (e) act in accordance with the directions of the Board of Review in respect of any petition of appeal referred to such Board of Review; and
- (f) shall issue certified copies of the appeals entertained by the Board of Review on a request made by any party to an appeal, on payment of such fee imposed in accordance with circulars issued by the Commissioner General specifying the charges to be levied and receipts to be issued for granting certified copies.

46. The documents transmitted to the Board of Review by the Commissioner-General or by an Assistant Commissioner of the relevant District for the purpose of entertaining an appeal shall be returned to the Commissioner-General or to such Assistant Commissioner, as the case may be, within thirty days after conclusion of entertaining such appeal.

47. In these regulations -

“Act” means the Agrarian Development Act, No. 46 of 2000 as amended by Act, No. 46 of 2011 ;

“Agrarian Tribunal” means an Agrarian Tribunal appointed under section 39 of the Act;

“Board of Review” means a Board of Review appointed under subsection (5) of section 42A of the Act;

“Commissioner-General” means the Commissioner-General of Agrarian Development appointed under Section 38 of the Act.

#### SCHEDULE

Regulation 3 (1)

FROM "A"

Application / Complaint made/ referred to the Agrarian Tribunal under Agrarian Development Act, No. 46 of 2000 as amended by Act, No. 46 of 2011

Applicant/Complainant

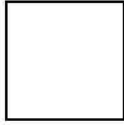
Respondent

Inquiry No .....  
(To be assigned by the Commissioner General)

12A

I කොටස : (I) ඡේදය - ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ අති විශේෂ ගැසට් පත්‍රය - 2013.03.15

PART I : SEC. (I) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 15.03.2013



(Stamp of Rs. 100)

at .....

on ..... 20.....

1. Section / Sections of the Agrarian Development Act, No. 46 of 2000 as amended by Act, No. 46 of 2011 under which the Application / Complaint is made or referred : .....
2. The facts upon which the application / complaint is based on : .....
3. The documents accompanying the application complaint:-
  - (i) .....
  - (ii) .....
  - (iii) .....
4. The party / parties to be summoned : .....

.....  
Signature of the Applicant  
Complainant.

Regulation 3(2)

FORM "B"

Appeal submitted to the Agrarian Tribunal in terms of Section ..... of the Agrarian Development Act, No. 46 of 2000 as amended by Act, No. 46 of 2011.

.....  
.....  
.....  
Appellant

.....  
.....  
Respondent,

Application / Complaint No. ....

Inquiry No. of the Agrarian Tribunal :

(To be assigned by the Commissioner General)



(Stamp of Rs. 100)

at .....

on ..... 20.....

(1) I ..... (Name) of ..... (Address) am the applicant/complainant/ respondent/ party to Application/ Complaint No. .... made to the Commissioner General of Agrarian Services under section .... of the Agrarian Development Act, No. 46 of 2000 as amended by Act, No. 46 of 2011, decided by the Deputy Commissioner/ Assistant Commissioner .....

(2) I declare that the Agricultural Land relating to the Application / Complaint is situated within the area of authority of .....Agrarian Tribunal.

(3) The decision on Application/Complaint No..... referred to above has been informed to me on .....

(4) I being aggrieved by the said decision submit this appeal on the facts mentioned in the affidavit annexed herewith.

.....  
Signature of the Applicant / Complainant /  
respondent / party.

Regulation 12

FORM "C"

Appointment of a Representative

I ..... do hereby appoint Mr./Mrs./Miss. .... to act as my representative at Inquiry No. .... /Proceedings before the Agrarian Tribunal conducted under the Agrarian Development Act No. 46 of 2000 as amended by Act, No. 46 of 2011.

.....  
Applicant/Complainant/  
Respondent/Party/Appellant.

Date : .....

Regulation 13

FORM "D"

Cancellation of the appointment of representative

I, ..... do hereby Cancel the authority given by me to Mr./Mrs./Miss. .... to be my representative at the Inquiry No. .... /Proceedings before the Agrarian Tribunal conducted under the Agrarian Development Act, No. 46 of 2000 as amended by Act, No. 46 of 2011.

.....  
Applicant/Complainant/  
Respondent/Party/Appellant.

Date : .....

Regulation 33

Form "E"

Appeal submitted to the Board of Review in terms of section 42 of the Agrarian Development Act, No. 46 of 2000 as amended by Act, No. 46 of 2011.

.....  
.....  
.....  
Appellant  
.....  
.....  
Respondent,

Inquiry No. : .....

of the Agrarian tribunal

at .....

on .....2013.

Being aggrieved by the decision of the Agrarian tribunal on .....in terms of Section ..... of Agrarian Development Act, No. 46 of 2000 as amended by Act, No. 46 of 2011, I submit this petition of appeal to the Board of Review on the grounds stated in the Affidavit annexed hereto.

.....  
Signature of the Appellant.

03-1148/3