

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of August 16, 2024

SUPPLEMENT

(Issued on 16.08.2024)



NATIONAL LAND COMMISSION

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BILL

to provide for the establishment of the National Land Commission for giving effect to the provisions of paragraph 3 of appendix II to the list I (Provincial Council list) of ninth schedule to the Constitution and for matters connected therewith or incidental thereto

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National Land Commission

L.D. – O. 24/2024

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL LAND COMMISSION FOR GIVING EFFECT TO THE PROVISIONS OF PARAGRAPH 3 OF APPENDIX II TO THE LIST I (PROVINCIAL COUNCIL LIST) OF NINTH SCHEDULE TO THE CONSTITUTION AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

1. This Act may be cited as the National Land Commission Act, No. of 2024. Short title

5

PART I

ESTABLISHMENT OF THE NATIONAL LAND COMMISSION

2. (1) There shall be established a Commission called and known as the National Land Commission (hereinafter referred to as the “Commission”). Establishment of the National Land Commission

10 (2) The Commission shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in that name.

15 3. (1) The Commission shall consist of the following members:- Constitution of the Commission

(a) *ex officio* members -

20 (i) the Secretary to the Ministry of the Minister assigned the subject of Lands or his representative not below the rank of an Additional Secretary of such Ministry;

2 *National Land Commission*

- (ii) the Secretary to the Ministry of the Minister assigned the subject of Home Affairs or his representative not below the rank of an Additional Secretary of such Ministry;
- 5 (iii) the Commissioner-General of Lands appointed under section 3 of the Land Development Ordinance (Chapter 464);
- 10 (iv) the Director-General of the Central Environmental Authority appointed under section 13 of the National Environmental Act, No. 47 of 1980;
- (v) the Director-General of Agriculture appointed under section 3 of the Department of Agriculture Ordinance (Chapter 441);
- 15 (vi) the Director-General of the Urban Development Authority appointed under section 13 of the Urban Development Authority Law, No. 41 of 1978;
- 20 (vii) a representative of the Treasury not below the rank of a Director-General nominated by the Secretary to the Treasury;
- (viii) the Conservator-General of Forests appointed under section 58 of the Forest Conservation Ordinance (Chapter 451); and
- 25 (ix) the Director-General of Wildlife Conservation who is the Director-General appointed for the purpose of the Fauna and Flora Protection Ordinance (Chapter 469);

- 5 (b) four members from among persons who have the knowledge and expertise in the field of land, agriculture, soil science, land use planning, urban development, watershed management or plantation agriculture, appointed by the President (hereinafter referred to as the “appointed members”); and
- 10 (c) nine members who have experience and knowledge in the subject of land, to represent the Provincial Councils, nominated by each Provincial Council (hereinafter referred to as the “nominated members”).

(2) The President shall, having regard to the provisions of section 8, appoint members referred to in paragraph (b) of subsection (1).

15 (3) The Chairperson of the Commission shall be appointed by the President from among the appointed members.

20 **4.** A person shall be disqualified from being appointed, nominated or continuing as a member of the Commission, if such person— Disqualification from being a member of the Commission

- (a) is not, or ceases to be, a citizen of Sri Lanka;
- (b) is or becomes a member of, Parliament, any Provincial Council or any local authority;
- 25 (c) is a person who having been declared an insolvent or a bankrupt under any law in Sri Lanka or any other country is an undischarged insolvent or bankrupt;
- (d) is, under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind;

- (e) is convicted of an offence involving moral turpitude punishable with imprisonment for a term not less than six months;
- (f) is serving or has served a sentence of imprisonment imposed by a Court of Sri Lanka or any other country; or
- (g) has any financial or other interest as is likely to affect prejudicially, the discharge by him of his functions as a member of the Commission.

10 **5.** Every appointed and nominated member of the Commission shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of five years from the date of his appointment or nomination, as the case may be, and unless removed from office, shall be eligible for
 15 re-appointment or re-nomination for not more than one further term, whether consecutive or otherwise.

Term of office of the appointed and nominated members of the Commission

20 **6.** (1) Any appointed member of the Commission may, at any time, resign from his office by letter in that behalf addressed to the President, and such resignation shall take effect from the date on which the resignation is accepted in writing by the President.

Removal, resignation etc., of appointed members

(2) The President may, for reasons assigned therefor, remove any appointed member from office. An appointed member who has been removed from office shall not be
 25 eligible for re-appointment as a member of the Commission or in any other capacity.

(3) In the event of vacation of office by death, resignation or removal from office of any appointed member, the President shall, having regard to the provisions of paragraph
 30 (b) of subsection (1) and subsection (2) of section 3, appoint

another person to fill such vacancy, and such person shall hold such office for the un-expired period of the term of office of the member whom he succeeds.

(4) Where any appointed member of the Commission is temporarily unable to perform the duties of his office on account of ill health or any other cause, or being absent from Sri Lanka for a period of not less than three months, the President shall, having regard to the provisions of paragraph (b) of subsection (1) and subsection (2) of section 3, appoint any other person to act in place of such member during his absence.

(5) Where any appointed member of the Commission fails to attend three consecutive meetings of the Commission without notifying his absence in advance to the Chairperson, such member shall be deemed to have vacated his office from the date of such third meeting and the President shall, having regard to the provisions of paragraph (b) of subsection (1) and subsection (2) of section 3, appoint another person to fill such vacancy.

20 7. (1) Any nominated member of the Commission may be removed from office by the Provincial Council which nominated such member.

Removal,
resignation
etc., of
nominated
members

(2) Any nominated member of the Commission may, at any time, resign from his office by letter in that behalf addressed to the Chairman of the Provincial Council which nominated him and the Chairperson of the Commission, and such resignation shall take effect from the date on which the resignation is accepted in writing by the Chairman of the Provincial Council.

(3) In the event of the vacation of office by death, resignation or removal from office of any nominated member, the respective Provincial Council shall, nominate another person who has experience and knowledge in the subject of land to fill such vacancy, and such person shall hold such office for the un-expired period of the term of office of the member whom he succeeds.

(4) Where any nominated member of the Commission is temporarily unable to perform the duties of his office on account of ill health or any other cause, or being absent from Sri Lanka for a period of not less than three months, the respective Provincial Council shall nominate another person to act in place of such member during his absence.

(5) Where any nominated member of the Commission fails to attend three consecutive meetings of the Commission without notifying his absence in advance to the Chairperson of the Commission, such member shall be deemed to have vacated his office from the date of such third meeting and the respective Provincial Council shall nominate another person who has experience and knowledge in the subject of land to fill such vacancy.

8. (1) Every appointed member of the Commission shall submit to the President a general disclosure of any financial or other interests as at the time of appointment, before assuming office as such member, in the prescribed form and shall submit to the President such declaration once a year during his term of office.

Appointed
members of
the
Commission
to disclose
any interest

(2) A member of the Commission who is directly or indirectly, interested in any contract, agreement or business or any matter made or proposed to be made by the Commission shall forthwith disclose the nature and extent

of his interest to the Commission and every such disclosure shall be recorded in the minutes of the Commission and such member shall not thereafter participate in any deliberation or decision of the Commission with regard to
5 such contract, agreement, business or other matter.

(3) The Commission shall maintain a register or a record of such interest as referred to in subsections (1) and (2), on case-by case basis.

9. (1) The meetings of the Commission shall be held at
10 least once in every month or as is required for the purpose of exercising, performing and discharging the powers, duties and functions of the Commission specified in this Act. Quorum and the meetings of the Commission

(2) The quorum for any meeting of the Commission shall be eleven members including the Chairperson.

15 (3) A meeting of the Commission may be held either –

(a) by the number of members who constitute a quorum being assembled at the place, date and time appointed for the meeting; or

(b) by means of audio-visual communication by which
20 all members participating and constituting a quorum can simultaneously see and hear each participating member during the meeting.

(4) All questions for decision at any meeting of the Commission shall be decided by the vote of the majority of
25 members present and voting at such meeting. In the case of an equality of votes, the Chairperson shall, in addition to his vote, have a casting vote.

(5) The Chairperson, if present, shall preside at every meeting of the Commission. In the absence of the Chairperson from any meeting of the Commission, any member elected by the members present shall preside at such meeting of the
5 Commission.

(6) Subject to the preceding provisions of this section, the Commission may regulate the procedure to be followed for the summoning and holding of meetings of the Commission and the transaction of business at such meetings.

10 **10.** The Commission may act notwithstanding any vacancy among its members, and any act or proceeding of the Commission shall not be, or deemed to be, invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member
15 thereof.

Acts or proceedings of the Commission deemed not to be invalid by reason of any vacancy

11. The members of the Commission shall be paid such remuneration in such manner and at such rates as may be determined by the President in consultation with the Minister assigned the subject of Finance.

Remuneration of the members of the Commission

20 **12.** (1) The Commission may, whenever it considers necessary, invite experts to any meeting of the Commission, who have expertise on any subject which is dealt with by the Commission at such meeting for the purpose of obtaining their views on such subject matter for the effective discharge
25 of the functions of the Commission:

Commission to invite experts to meetings

Provided however, the Commission shall have the absolute discretion of accepting or rejecting the views of such experts.

(2) The experts shall have no voting rights.

(3) The experts may be paid such honorarium as may be determined by the Commission for attending meetings of the Commission.

5 **13.** (1) The seal of the Commission shall be as determined Seal of the
by the Commission. Commission

(2) The seal of the Commission –

(a) may be altered in such manner as may be determined
by the Commission; and

10 (b) shall be in the custody of such person or persons as
the Commission may determine from time to time.

(3) The seal of the Commission shall not be affixed to
any instrument or document except with the sanction of the
Commission and in the presence of the Chairperson and one
15 other member of the Commission who shall sign the
instrument or document in token of their presence:

Provided however, where the Chairperson is unable to be
present at the time when the seal of the Commission is affixed
to any instrument or document, any other member of the
20 Commission authorized in writing by the Chairperson in
that behalf shall be competent to sign such instrument or
document in accordance with the preceding provisions of
this subsection.

(4) The Commission shall maintain a register of the
25 instruments and documents to which the seal of the
Commission has been affixed.

PART II

POWERS, DUTIES AND FUNCTIONS OF THE COMMISSION

14. (1) The powers, duties and functions of the Commission shall be to—

Powers,
duties and
functions of
the
Commission

- 5 (a) formulate the national policy with regard to the use
of State lands as specified in paragraph 3:1 of
APPENDIX II to the List I (Provincial Council List)
of the Ninth Schedule to the Constitution, based
on technical aspects but not on political or
10 communal aspects;
- (b) lay down general norms in regard to the use of State
lands as specified in paragraph 3:3 of APPENDIX II
to the List I (Provincial Council List) of the Ninth
15 Schedule to the Constitution, having regard to
matters such as soil, climate, rainfall, soil erosion,
forest cover, environmental factors, economic
viability;
- (c) carryout necessary surveys, inspections or
investigations relating to State lands and prepare
20 reports on them, in the formulation of the national
policy under paragraph (a);
- (d) open, maintain and operate current, savings or other
deposit accounts in any bank and, if necessary, to
close such accounts; and
- 25 (e) generally, to do such other acts or things incidental
or connected with powers, duties and functions of
the Commission.

(2) Upon the formulation of the national policy under paragraph (a) of subsection (1) by the Commission, the Minister shall take steps to submit such national policy to the Cabinet of Ministers for information, which shall be published in the *Gazette* by the Minister and be published on the official website of the Ministry of the Minister.

(3) The Commission may, in exercising, performing and discharging, its powers, duties and functions under paragraph (c) of subsection (1), authorize any employee of the Commission to enter any State land at any reasonable time of the day after giving three day's prior notice in writing to the owner or occupier of such State land.

15. (1) For the purposes of enabling the Commission to exercise, perform and discharge any of its powers, duties and functions under this Act, the Commission or any person authorized in that behalf by the Commission may, by notice in writing require any person to furnish to the Commission or to the person authorized by the Commission, within such period as shall be specified in the notice, such information or document regarding the State lands as shall be specified in such notice.

(2) It shall be the duty of any person who is required in that regard by a notice under subsection (1), to furnish any information or document within the period specified in such notice, except where such person is prohibited from furnishing such information or document under the provisions of any other written law.

PART III

TECHNICAL SECRETARIAT

16. The National Land Commission shall have a Technical Secretariat representing all the relevant disciplines as specified in paragraph 3:2 of APPENDIX II to the List I (Provincial Council List) of the Ninth Schedule to the Constitution, required to evaluate the physical as well as the socio-economic factors that are relevant to natural resources management.

Technical
Secretariat

PART IV

DIRECTOR AND THE STAFF OF THE COMMISSION

17. (1) There shall be appointed by the Minister, in consultation with the Commission, a Director of the Commission (hereinafter referred to as the "Director"), whose qualification and experience, the terms and conditions of appointment shall be as prescribed.

Director of
the
Commission

(2) The Director shall, subject to the general directions and supervision of the Commission –

- (a) be charged with the administration of the affairs of the Commission including the administration and control of the staff;
- (b) be responsible for the execution of all decisions of the Commission; and
- (c) carry out all such functions as may be assigned to him by the Commission.

(3) The Director shall be entitled to be present and speak at any meeting of the Commission, but shall not be entitled to vote at such meeting.

(4) The Director may, with the written approval of the Commission, whenever he considers it necessary to do so, delegate in writing to any officer or employee of the Commission, any of his powers, duties or functions under the Act and the officer or employee to whom any such power, duty or function is delegated shall exercise, perform or discharge them subject to the directions of the Commission.

(5) The Minister may, in consultation with the Commission remove the Director from the office –

(a) if he becomes permanently incapable of exercising, performing or discharging his powers, duties or functions under the Act;

(b) if he had done any act which, in the opinion of the Commission, is of a fraudulent or illegal nature or is prejudicial to the interests of the Commission; or

(c) if he has failed to comply with any directions issued by the Commission.

(6) The office of the Director shall become vacant upon the death, removal from office under subsection (5) or resignation by letter in that behalf addressed to the Minister by the holder of such office.

(7) If any vacancy occurs in the office of the Director, the Minister may, in consultation with the Commission, appoint an appointed member of the Commission to exercise, perform and discharge the powers, duties and functions of the Director, until an appointment is made under subsection (1).

(8) The Director shall be paid such remuneration as may be determined by the Minister with the concurrence of the Minister assigned the subject of Finance.

5 **18.** (1) Subject to the provisions of this Act, the Commission may appoint such officers and employees as may be necessary for the efficient exercise, performance and discharge of its powers, duties and functions. Appointment of the staff of the Commission

(2) The Commission may, in respect of the officers and employees appointed under subsection (1) –

- 10 (a) exercise disciplinary control over or dismiss such officers and employees;
- (b) determine the terms and conditions of employment of such officers and employees; and
- 15 (c) fix the rates at which such officers and employees shall be remunerated in keeping with relevant guidelines of the Government and in consultation with the Minister assigned the subject of Finance.

(3) The Commission shall not, however, appoint as an officer or other employee of the Commission, any person
20 who has been dismissed from any previous position held by such person in the public or private sector.

19. (1) At the request of the Commission, any officer in the public service may, with the consent of that officer and of the Public Service Commission be temporarily appointed
25 to the staff of the Commission for such period as may be determined by the Commission, or with like consent, be permanently appointed to such staff. Appointment of the officers in the public service to the staff of the Commission

(2) Where any officer in the public service is temporarily appointed to the staff of the Commission, the provisions of
30 subsection (2) of section 14 of the National Transport

Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to and in relation to such officer.

(3) Where any officer in the public service is permanently appointed to the staff of the Commission, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to and in relation to such officer.

PART V

FINANCE

10 **20.** (1) The Commission shall have its own Fund. Fund of the Commission

(2) There shall be credited to the Fund –

(a) all such sums of money as may be voted by Parliament, from time to time, for the use of the Commission; and

15 (b) all such sums of money as may be received by the Commission for the exercise, performance and discharge of its powers, duties and functions by way of loans, donations, gifts, bequests or grants from whatsoever source within or outside Sri Lanka:

20 Provided that, the Commission shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Commission.

25

(3) There shall be paid out of the Fund all such sums of money required to defray any expenditure incurred by the Commission in the exercise, performance and discharge of its powers, duties and functions under this Act.

- 5 **21.** (1) The financial year of the Commission shall be the calendar year. Financial
year and
audit of
accounts of
the
Commission
- (2) The Commission shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other financial transactions of the Commission.
- 10 (3) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to the audit of accounts of the Commission.

PART VI

GENERAL PROVISION

- 15 **22.** (1) The Commission may, subject to such terms and conditions as may be specified in writing, delegate to the Chairperson or a member of the Commission or the Director any of its powers, duties or functions under this Act, and the Chairperson or such member or the Director shall exercise, Delegation of
powers,
functions and
duties
- 20 perform or discharge such power, duty or function subject to any special or general directions issued by the Commission.
- (2) Notwithstanding any delegation made under subsection (1), the Commission may exercise, perform or discharge any such power, duty or function so delegated.
- 25 **23.** (1) The Commission may establish committees and panels to assist it in the exercise, performance and discharge of its powers, duties and functions under this Act, and may appoint such persons as the Commission may deem necessary to be members of any such committee or panel. Establishment
of
committees
and panels

(2) A committee or panel shall carry out its functions and fulfil its obligations as stipulated in the terms of reference given to such committee or panel by the Commission.

(3) The Commission may, where it considers necessary, 5 co-opt as a member to a committee or panel any person who possesses the required knowledge and experience in the relevant field.

24. (1) The Commission shall, within six months of the end of each financial year, submit to the Minister an annual 10 report on the activities carried out by the Commission. The following documents shall be attached to such report-

- (a) the audited accounts of the Commission for the year along with the Auditor-General's report; and
- (b) a report of proposed activities for the year 15 immediately following the year to which such report and accounts relate.

(2) The Minister shall table the annual report along with the documents specified in subsection (1) in Parliament for its consideration.

20 **25.** The Chairperson and members of the Commission and the Director, officers and other employees of the Commission and every expert consulted by the Commission under section 12 and members of committees or panels appointed under section 23, shall, before entering upon his 25 duties, sign a declaration pledging to observe strict secrecy in respect of all matters connected with the affairs of the Commission, which has come to his knowledge in the exercise, performance and discharge of his powers, duties and functions under this Act and by such declaration pledge 30 himself not to disclose any such matter except –

Annual reports

Declaration of secrecy

- (a) when required to do so by a court of law; or
- (b) for the purpose of exercising, performing and discharging the powers, duties and functions under this Act or any other written law.

5 **26.** The Chairman and other members of the Commission, the Director, officers and other employees of the Commission shall be deemed to be public officers within the meaning and for the purposes of the Penal Code (Chapter 19).

Members of the Commission, the Director, officers and employees of the Commission deemed to be public officers

10 **27.** The Commission shall be deemed to be a Scheduled institution within the meaning of the Anti-Corruption Act, No. 9 of 2023 and the provisions of that Act shall be construed accordingly.

Commission deemed to be a Scheduled institution for the purpose of the Anti-Corruption Act

28. Any person who – Offences

- 15 (a) resists or obstructs any person in performing or carrying out his functions or duties under subsection (2) of section 14;
- (b) fails or refuses to furnish any information or document when requested to do so under section 15; or
- 20 (c) submits any information or a document under section 15 knowing it to be false or misleading,

commits an offence and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

5 **29.** (1) Any expenses incurred by the Commission in any suit or prosecution brought by or against the Commission before any Court, shall be paid out of the Fund of the Commission and any costs paid to, or recovered by the Commission in any such suit or prosecution shall be credited
10 to the Fund of the Commission.

Expenses in
suit or
prosecution
to be paid
out of the
Fund

(2) Any expenses incurred by any member of the Commission, the Director or any officer or other employee of the Commission in any suit or prosecution brought against such person before any Court or Tribunal in respect of any
15 act which is done or is purported to be done by such person under the provisions of this Act or on the direction of the Commission shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Commission, unless such expense is recovered by such person in such suit
20 or prosecution.

30. (1) The Minister may make regulations in respect of all matters which are required by this Act to be prescribed or in respect of which regulations are required or authorized to be made under this Act.

Regulations

25 (2) Every regulation made under subsection (1) shall be published in the *Gazette* and shall come into operation on the date of publication or on such later date as may be specified therein.

(3) Every regulation made under subsection (1) shall, within three months from the date of its publication in the *Gazette*, be placed before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation is deemed to be so rescinded shall be published in the *Gazette*.

31. (1) The Commission may, subject to the provisions of Rules this Act, make rules in respect of any matter for which rules are authorised to be made under this Act or all or any of the following matters: -

- (a) for the regulation of the procedure to be followed for the summoning and holding of meetings of the Commission and the transaction of business at such meetings; and
- (b) any other matter connected with the management of the affairs of the Commission.

(2) Every rule made by the Commission shall be published in the *Gazette* and shall come into operation on the date of its publication or on such later date as may be specified therein.

32. In this Act unless the context otherwise requires – Interpretation

“Minister” means the Minister to whom the subject matter of this Act is assigned under Articles 44 and 45 of the Constitution;

“occupier” means a person in occupation of any premises or having the charge,

management or control thereof, whether on his own account or as an agent of any other, but does not include a lodger;

5 “premises” means any land together with any building or part of a building standing thereon; and

“written” shall include electronically generated documents.

10 **33.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency

