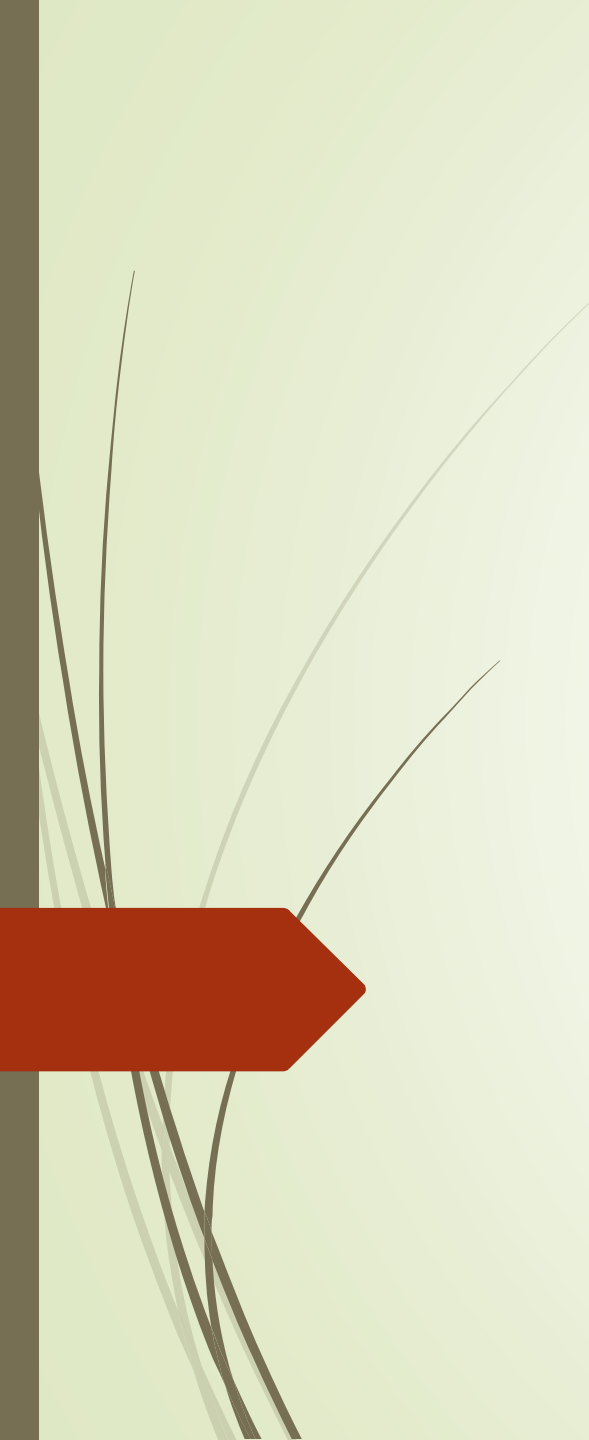




# Legal and Institutional Framework of Land Administration in Sri Lanka

Pubudi Premadasa

Sri Lanka Administrative Service (I)

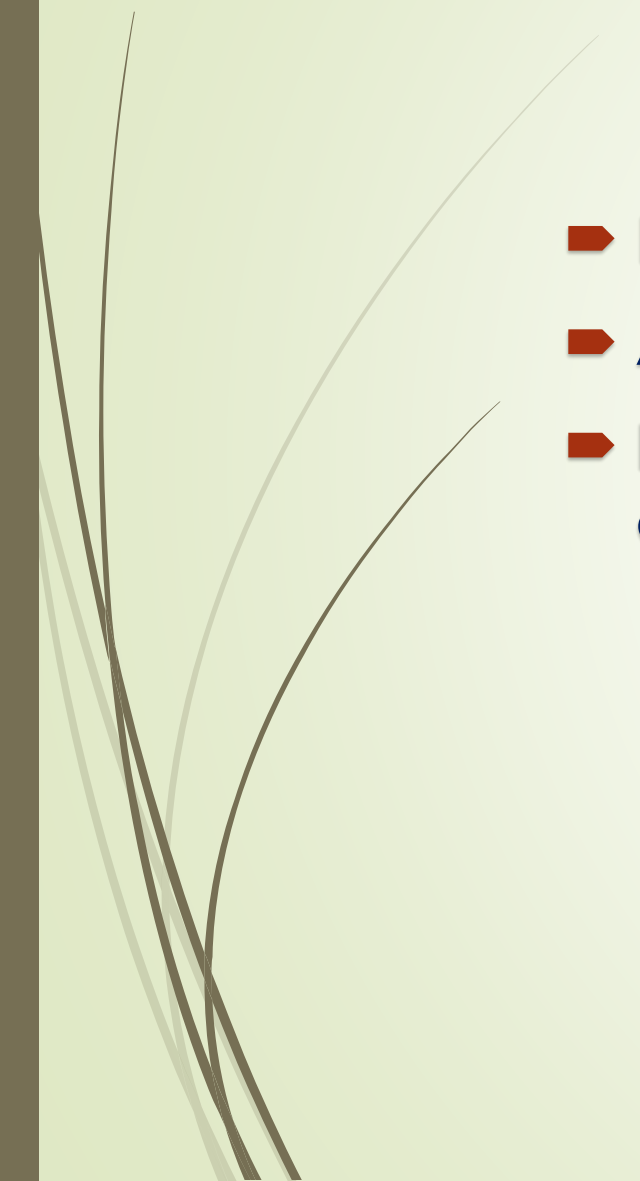
# Land Administration in Sri Lanka

- 5.5 million hectares or 84% of Sri Lanka's total land area of 6.5 million hectares, can be used for consumption on human use , and the remaining amount is reservoirs and their reserves, swamps, mangrove steep lands, road reserves and canals
- The amount of lands that can be used for agricultural , commercial and residential purpose can be classified as government land and private land

| Ownership                    | Amount (Hecters) | Percentage |
|------------------------------|------------------|------------|
| State Lands                  | 5403809          | 82.3       |
| Sri Lanka Mahaweli Authority | 365000           | 5.5        |
| Land Reforms Commission      | 408484           | 6.0        |
| Private Lands                | 1166235          | 17.7       |
| Total                        | 65701134         | 100        |



# Main Areas in land Administration

- Land Management
  - Acquisition of private land for public purposes
  - Issues related to land administration in divisional administration
- 



# Land Ownership

I. Inheritance - passing of assets, rights, debts, and property upon the death of an individual.

II. Purchase - act of acquiring goods, services, or assets in exchange for money or its equivalent.

III. Donation - a voluntary gift given to support a charitable cause, humanitarian aid, or an individual.

IV. Government Grant - is a legal transfer or donation of state-owned land to an individual or entity.

V. Occupation - the physical possession, use, or control of a property or place

VI. Acquisition - the legal process by which the government or state forcibly claims private property for a public purpose,

VII. Prescription - the acquisition of rights of claims through the passage of time. In the context of property law

# Rights with the Ownership

- 
- 
- I. Title Right
  - II. Tenure
  - III. Succeeding
  - IV. Servitude
  - V. Alienations



# Acts related to State Land Management

- Land Development Ordinance No. 19 of 1935
- State Land Ordinance No. 08 of 1947
- Land Grants (Special Provisions) Act No. 43 of 1979
- State Land (Recovery of Possession) Act No. 07 of 1979
- Land Acquisition Act – No. 09 of 1950
- The Land Settlement Ordinance No. 20 of 1931
- Title registration Act No. 21 of 1998



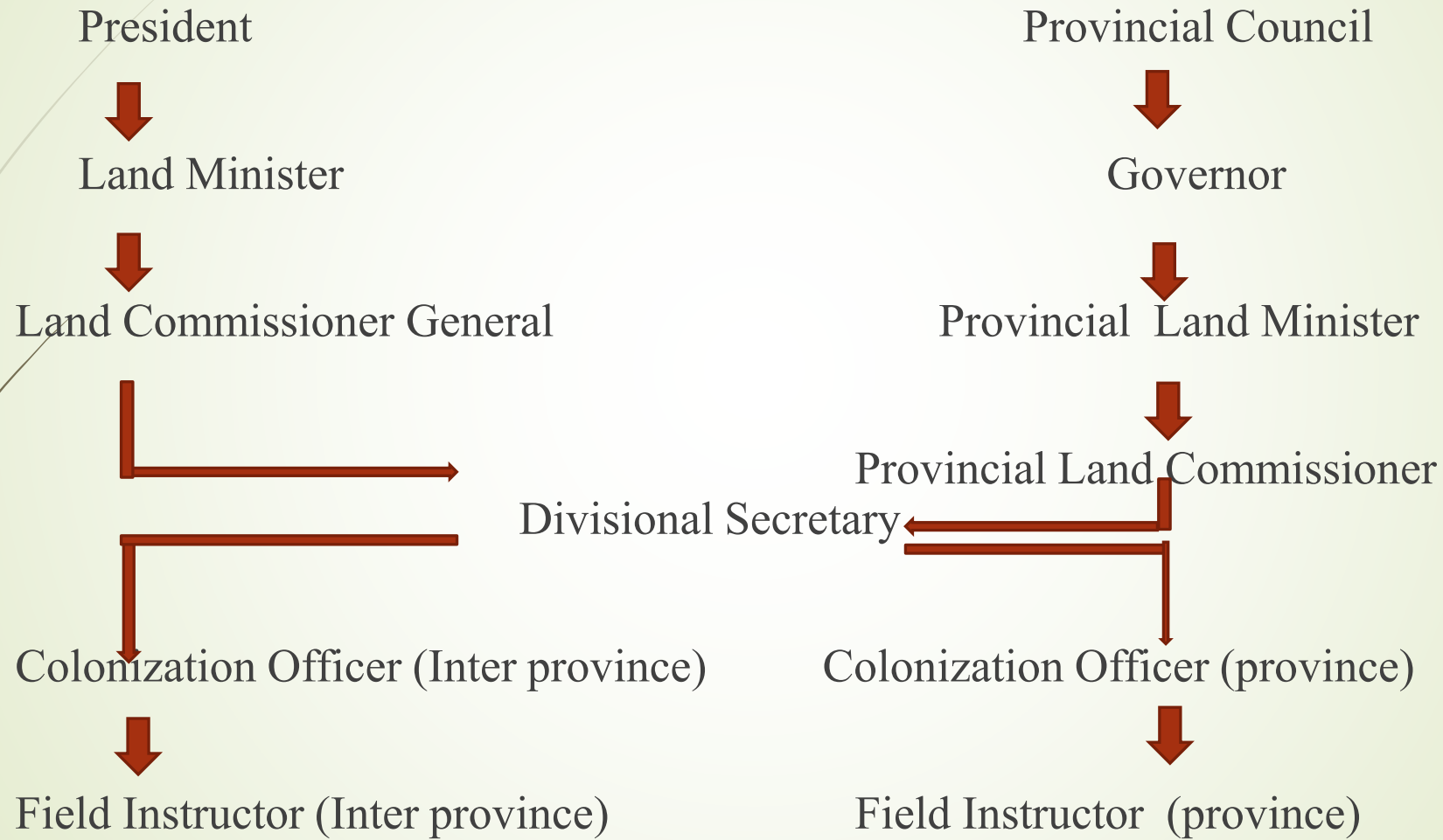
# State land Definition

- State land in Sri Lanka is defined as any land, including buildings, that the State is lawfully entitled to, or has the right to dispose of, along with all associated rights, interests, and privileges.
  - It includes lands owned through Waste Lands Ordinance
  - Land Settlement Ordinance
  - acquired via the Land Acquisition Act
  - Lands vested in state entities.

The Commissioner General of Lands is the authority for the administration and management of government lands.

The Department of Land Commissioner General has been established to fulfill that function.

# State land administration



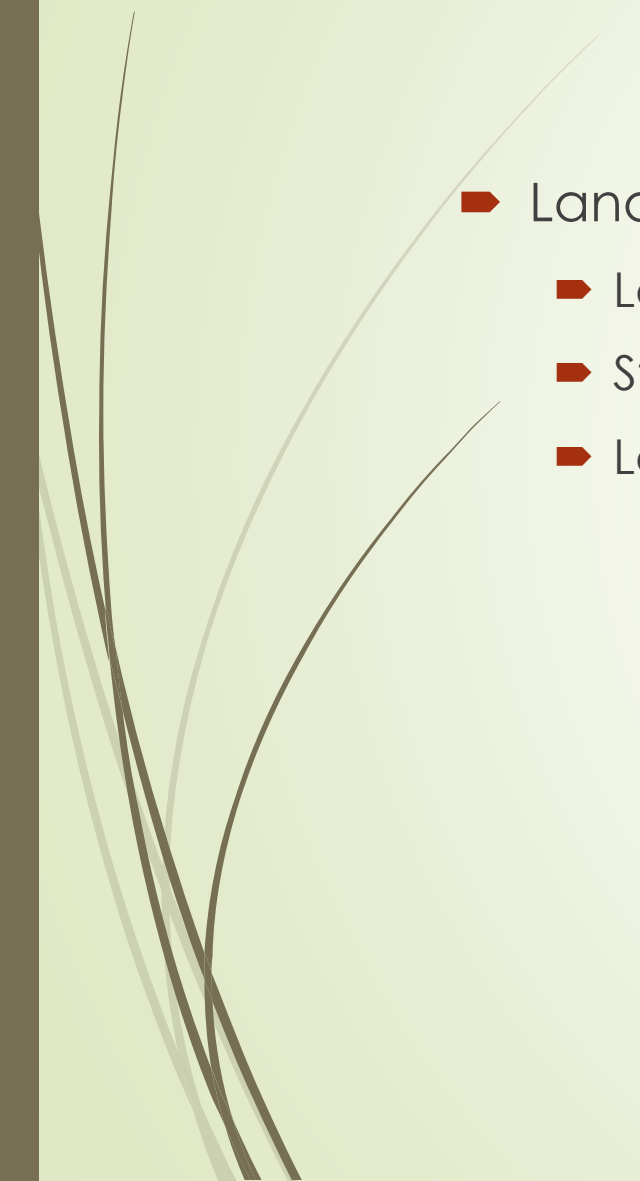


# Mandate of Land Commissioner General's Department

- State Land Management
- Implementation of land policies
- Implementation of land use plan
- Land Lease revenue Collection
- Follow-up actions of the distributed lands
  - Nomination of the successor
  - Grant approval to mortgage
  - Cancellation of Permits/Grants
- Maintaining National database/ Information System on state lands

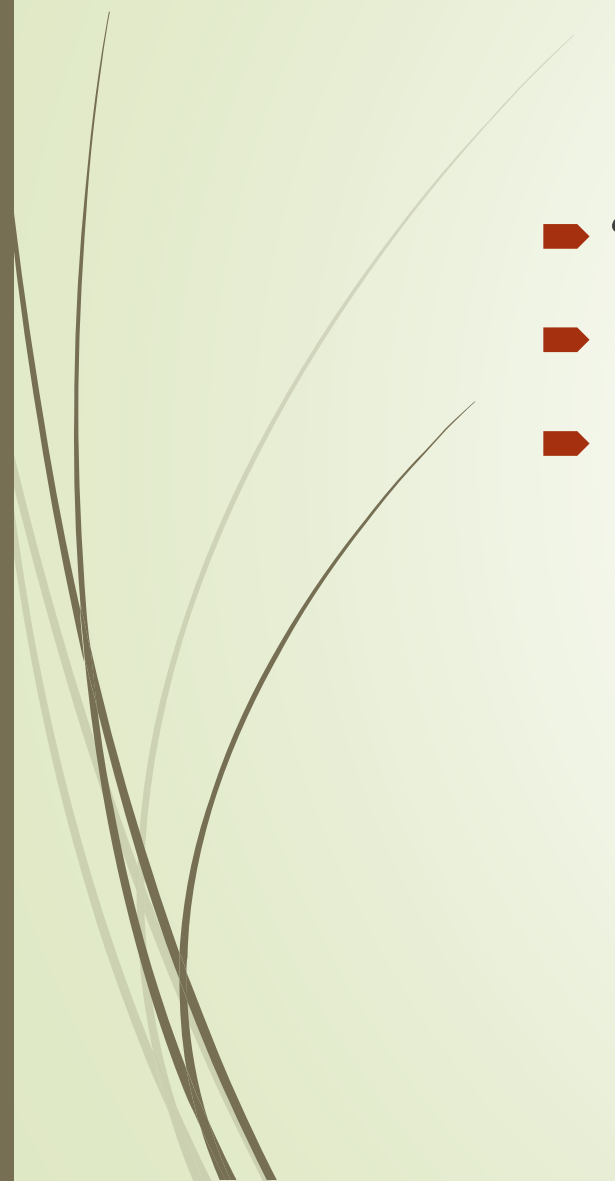


# Main Alienation Methods in state lands

- ▶ Land alienation under,
    - ▶ Land Development Ordinance under no.19<sup>th</sup> a of 1935
    - ▶ State Land Ordinance of no 8<sup>th</sup> of 1947
    - ▶ Land Grants (Special Provisions) Act No. 43 of 1979
- 



# Method of alienation of State lands

- “Land Kachcheri “
  - Land Tender
  - Preferencial methods
- 



# land Kachcheri process

1. Preparation of land Kachcheri proposal / development plan
2. Obtaining approval from the Land Commissioner General / Provincial Land Commissioner
3. Holding the land Kachcheri meeting
4. Publication of the initial selection list
5. Conducting objection inquiries
6. Publication of the final selection list
7. Handing over possession of lands
8. Issuing permits



# Documents issued

- land permits,
- land grants,
- annual land permits,
- Long-term leases,
- land releases to Government agencies
- land releases through vesting orders



# Persons eligible for land alienation in LDO act

- **Farming community** – Annual income less than Rs. 300,000.00
- **Low-income beneficiaries**
  - Unmarried – Annual income less than Rs. 480,000.00
  - Married – Annual income less than Rs. 600,000.00
- **Higher-income beneficiaries**
  - Unmarried – Annual income less than Rs. 660,000.00
  - Married – Annual income less than Rs. 720,000.00
- **Educated youth** – Passed G.C.E. (O/L), over 18 years of age, unmarried youth



# Land administration under Land Development Ordinance No. 19 of 1935

- Distribution of lands for residential and agricultural purposes (Issuance of Permits and Grants)
  - ✓ For peasantry
  - ✓ For the educated youth
  - ✓ For low-income people
- Follow-up actions of the distributed lands
  - ✓ Grant approval to assign the title
  - ✓ Nomination of the successor
  - ✓ Grant approval to mortgage
  - ✓ Cancellation of Permits/Grants



## Alienation of state Land under State Land Ordinance No. 08 of 1947

- ✓ Distribution of lands for the people of higher income
- ✓ Distribution of lands in urban areas
- ✓ Lease lands for commercial, agricultural, industrial and other projects
- ✓ Alienation of lands for Government Institutions, Local Government Institutions and Tri Forces
- ✓ Alienation of lands for charities, religious places, organizations etc.
- ✓ Follow-up actions of lands disposed or leased
- ✓ Collection of lease revenue



# Land administration under Land Grants (Special Provisions) Act No. 43 of 1979

- Acquisition of lands to the State to distribute the lands belonging to the Land Reforms Commission
- Distribution of lands for the landless people of low-income
- Issuance of Instruments of Dispositions
- Follow-up actions of distributed lands



# Himikama programme

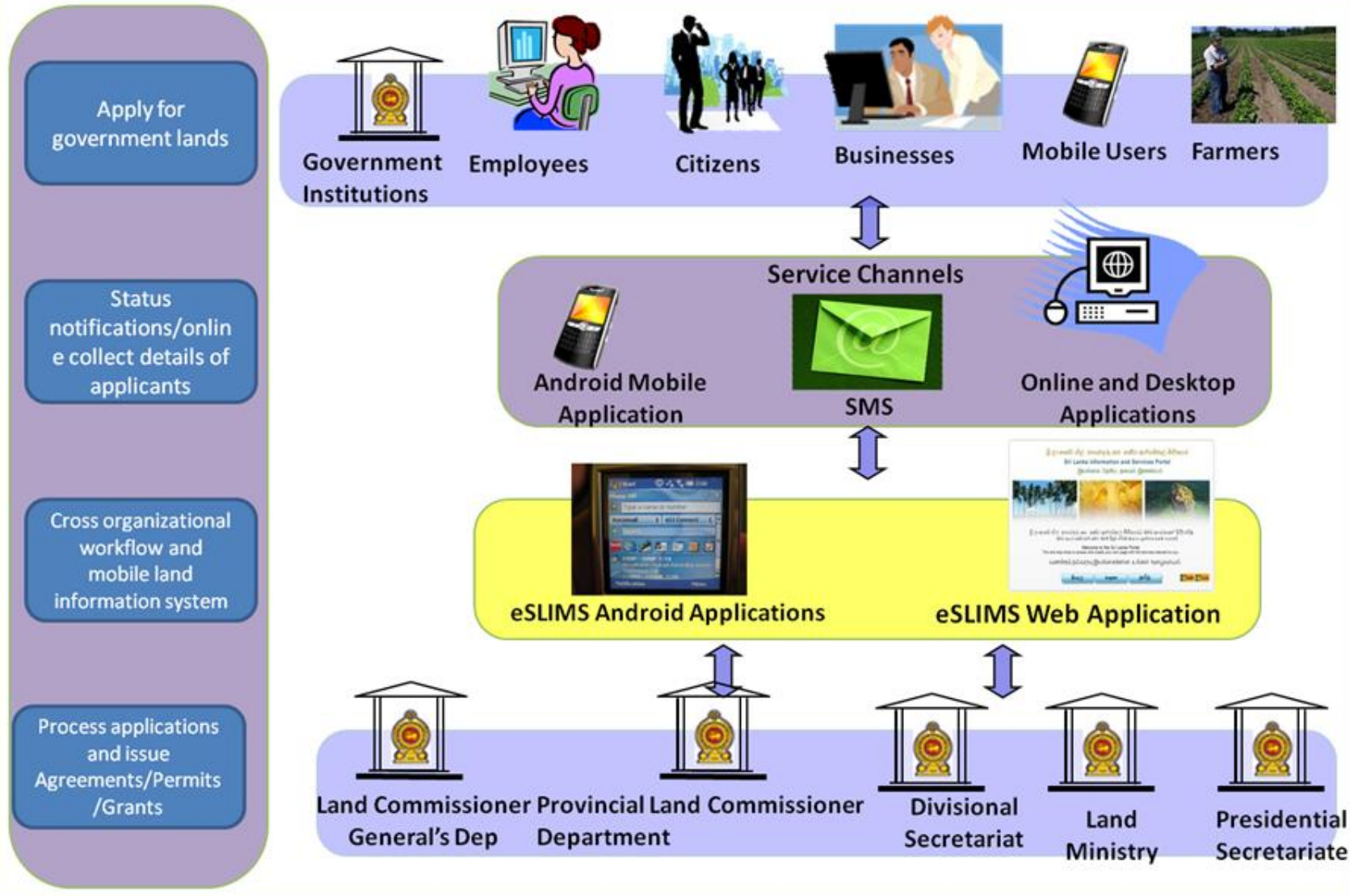
- The latest program of land commissioner general's Department for alienation of State lands
- Granting of absolute ownership



# E- Slims

- State Land information Management System
  - Obtaining state land utilization information
  - Accurate information of land alienation transactions
  - Obtaining information on un-alienated lands
  - Calculating and estimating the revenue income from state lands

# eSLIMS Process Overview



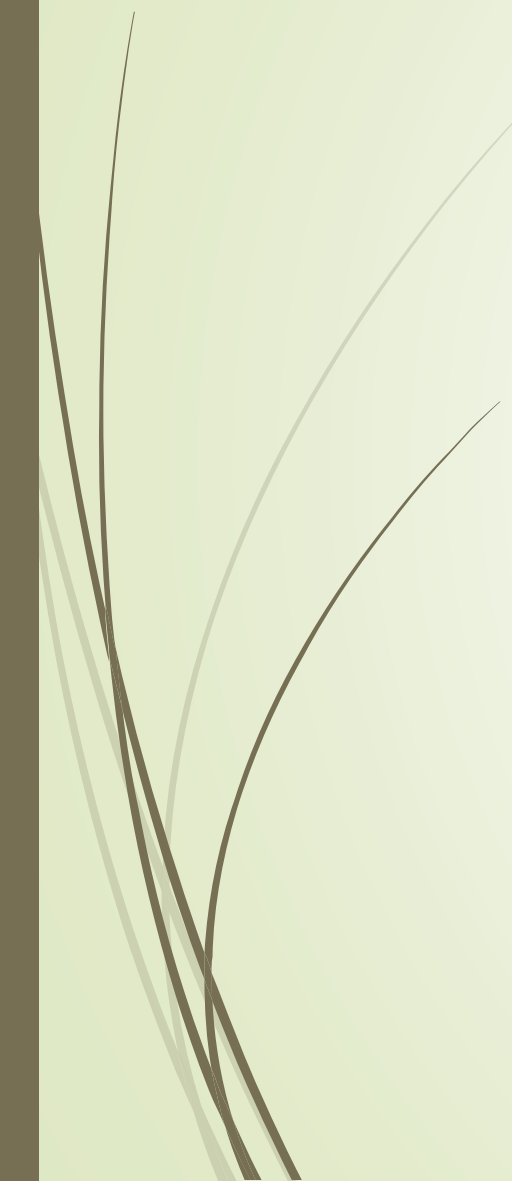


# Issues related to State Land Management

- Identification of State Land
- Protecting Unalienated State lands
- Recovery of possession
- Land alienation
- Issuing legal Documents to the eligible Candidates
- Maintaining Land related Documents (Land ledger)
- National Database on State Lands



# Other issues in Managing State Lands at Divisional Level

- Issues at Policy level
  - Geographical and Social Political Issues
  - Low integration with relevant Authorities
  - Too much Procedures and Processing time
  - Attitude of Staff / People
- 



# Laws Related to Land Management in Sri Lanka

## For alienation of State lands

1. Land development ordinance no 19 of 1935
2. State land ordinance no 8 of 1947
3. Land grants special provisions act no 43 of 1979
4. Land (restrictions on alienation) Act, No. 38 of 2014

## For Protection of the state lands

1. state land recovery of possession act no 7 of 1979
2. state land encroachment ordinance no 12 of 1840



## **Settlement of land ownership**

1. Land settlement ordinance no 20 of 1931
2. State land Claims ordinance no 21 of 1911

## **Resumption of lands**

1. Land Resumption ordinance no 4 of 1867



# Laws related to registration of ownership of a private lands

- 
1. Documents registration ordinance no 23 of 1927
  2. Registration of old deeds and instruments ordinance no 35 of 1947
  3. Title Registration Act, No. 21 of 1998
  4. "Sannas" and old deeds ordinance no 6 of 1866
  5. Land register reconstructed folios no 18 of 1945
  6. Validation of Registers proceedings ordinance no 3 of 1912

# land surveying, land marks and definition of boundaries

1. Survey act no 17 of 2002
2. State land marks ordinance no 7 of 1907
3. Definition of boundaries ordinance no1 of 1844

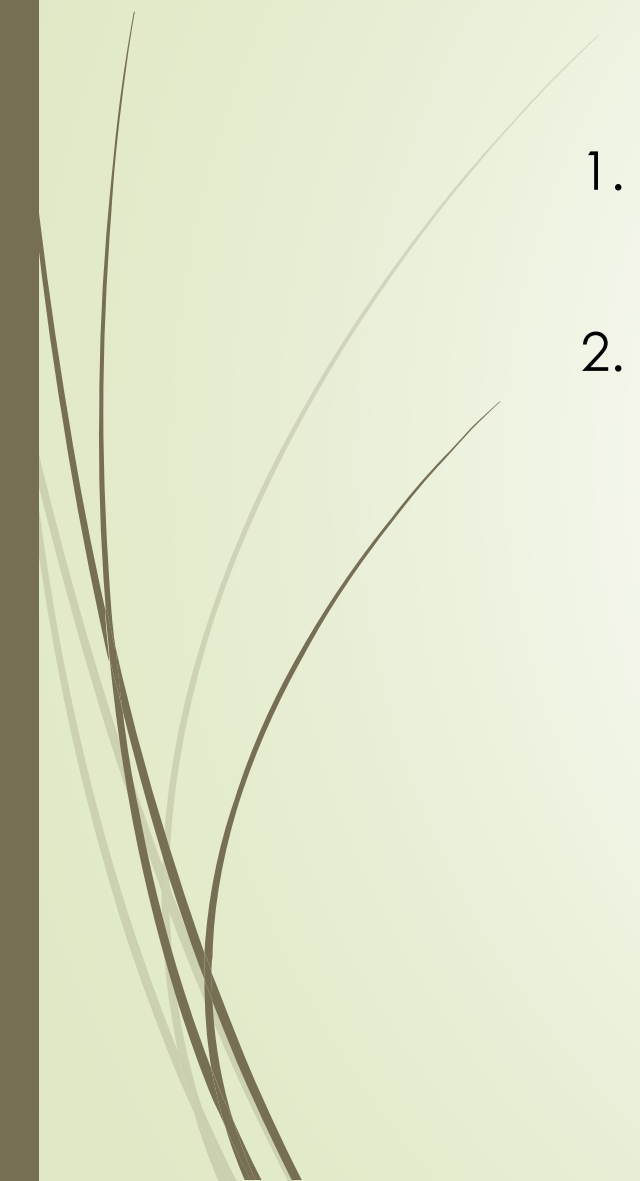


# Ensuring the ownership of a private land

1. Partitions Act no 21 of 1977
  2. "Nindhagam" lands act no 30 of 1968
- 



# **Administration of the lands belongs to Buddhist temples and Dewala**

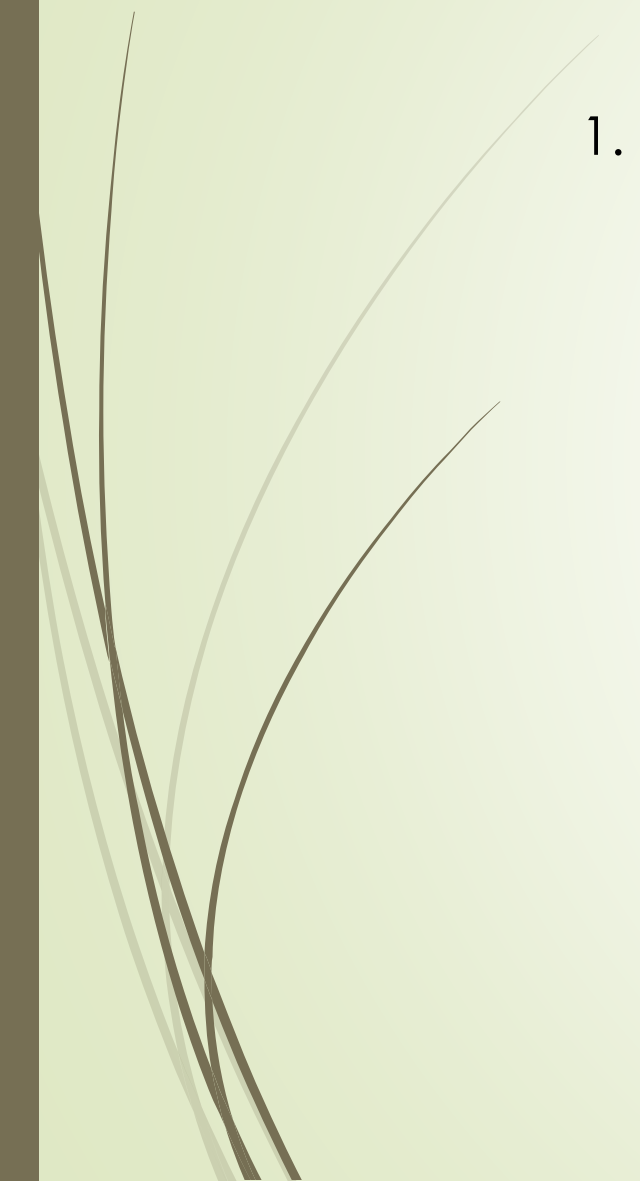
1. Buddhist templaries ordinance no 19 of 1931
  2. Temple land compensation ordinance no 18 of 1944
- 



## Protection of forests forest produce fauna and flora

1. Forest ordinance no 16 of 1907
  2. Fauna and Flora protection ordinance no 2 of 1937
- 

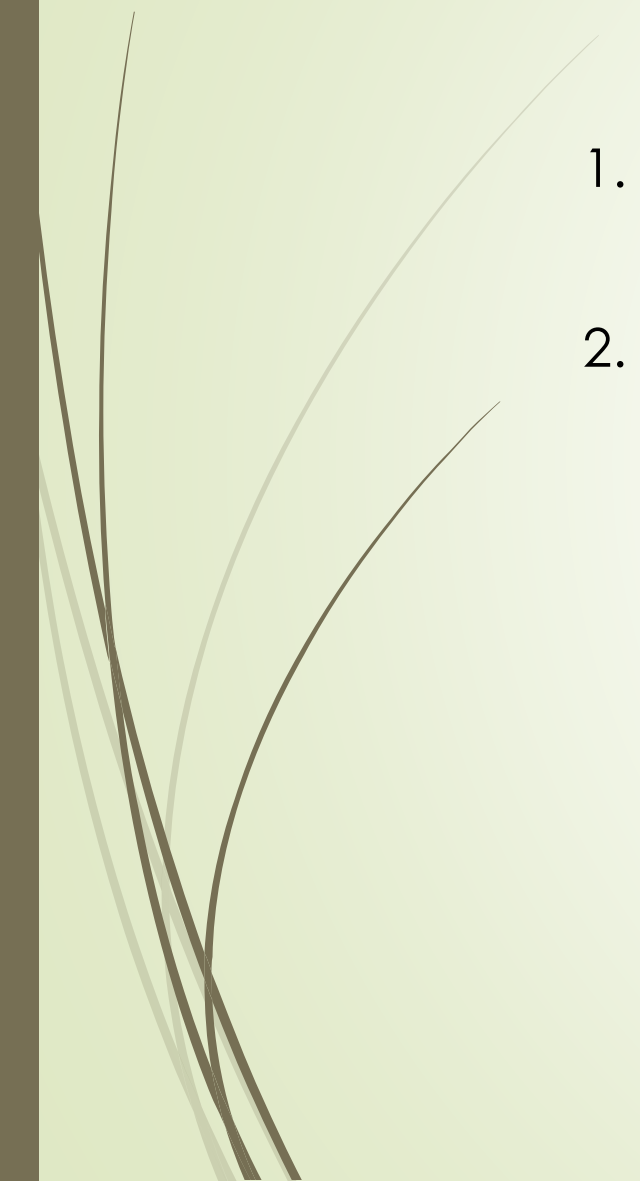
# Protection of the antiquities located in or on the lands



1. Antiquities ordinance no 9 of 1940

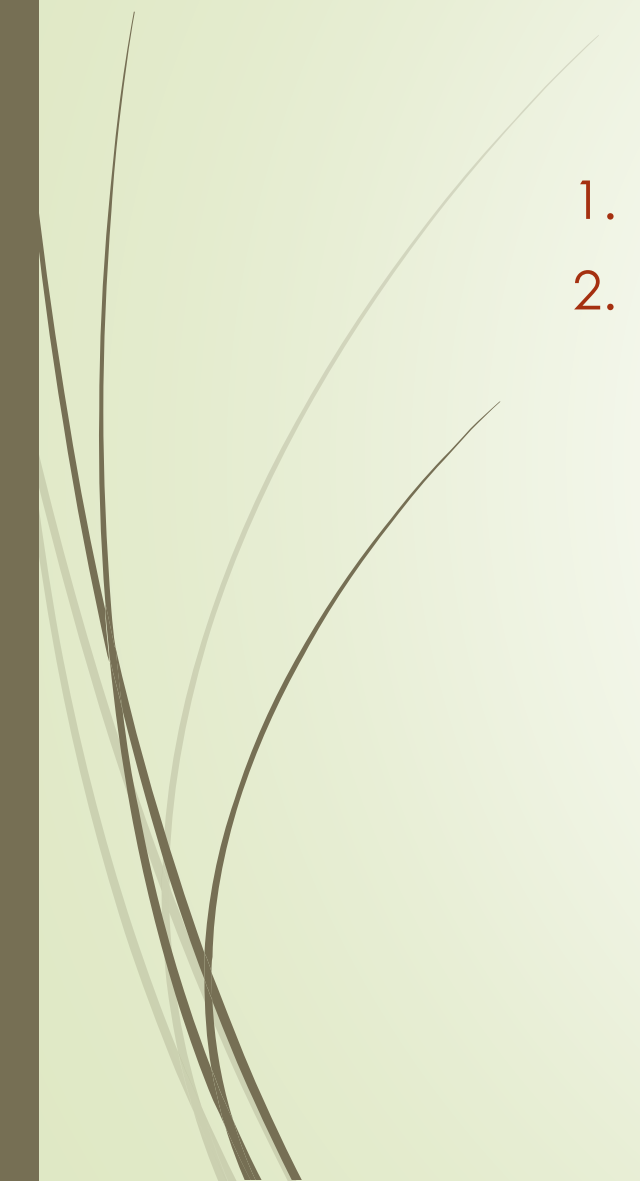


## **Administration of minerals and Gems in the lands**

1. Mines and mineral act no 33 of 1992
  2. Gem and jewelry act no 50 of 1993
- 

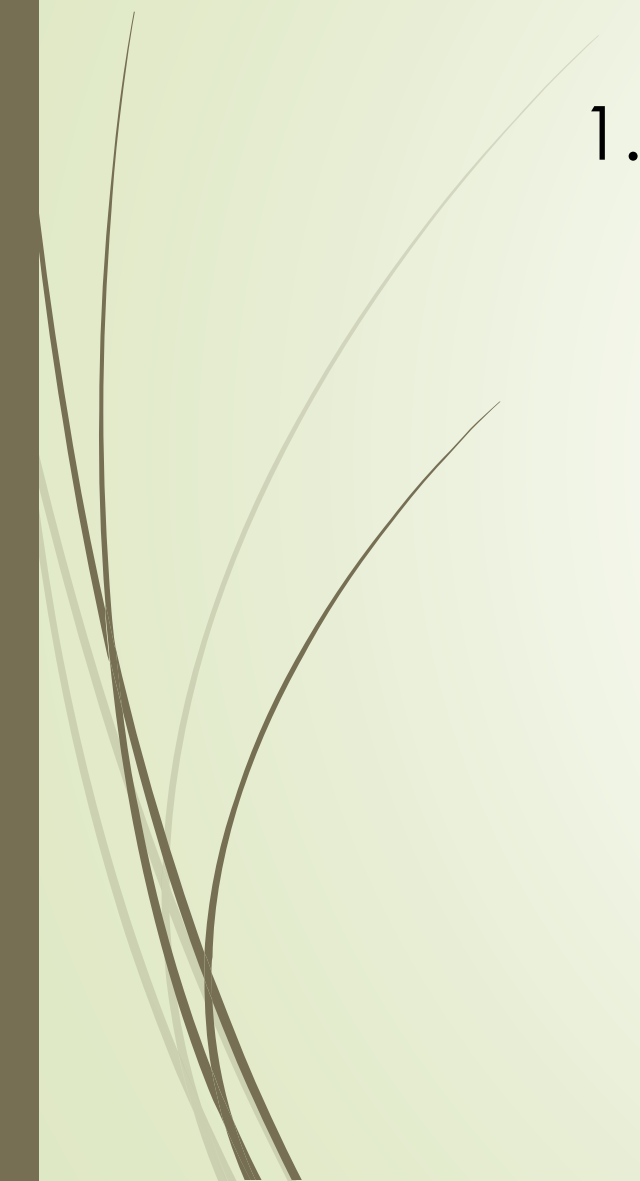


# Declaration of maritime zones and conservation of coastal areas

1. Maritime zones act no 22 of 1976
  2. Coast conservation act no 37 of 1981
- 



# Declaration of pasture lands



1. Pasture land act no 4 of 1983



## **Administration of the lands belongs to different government institutions**

1. Urban Development Authority act no 41 of 1941
2. National Housing Development authority act no 17 of 1979
3. Land reform commission act no 1 of 1972
4. Sri Lanka Mahaweli authority act no 23 of 1979

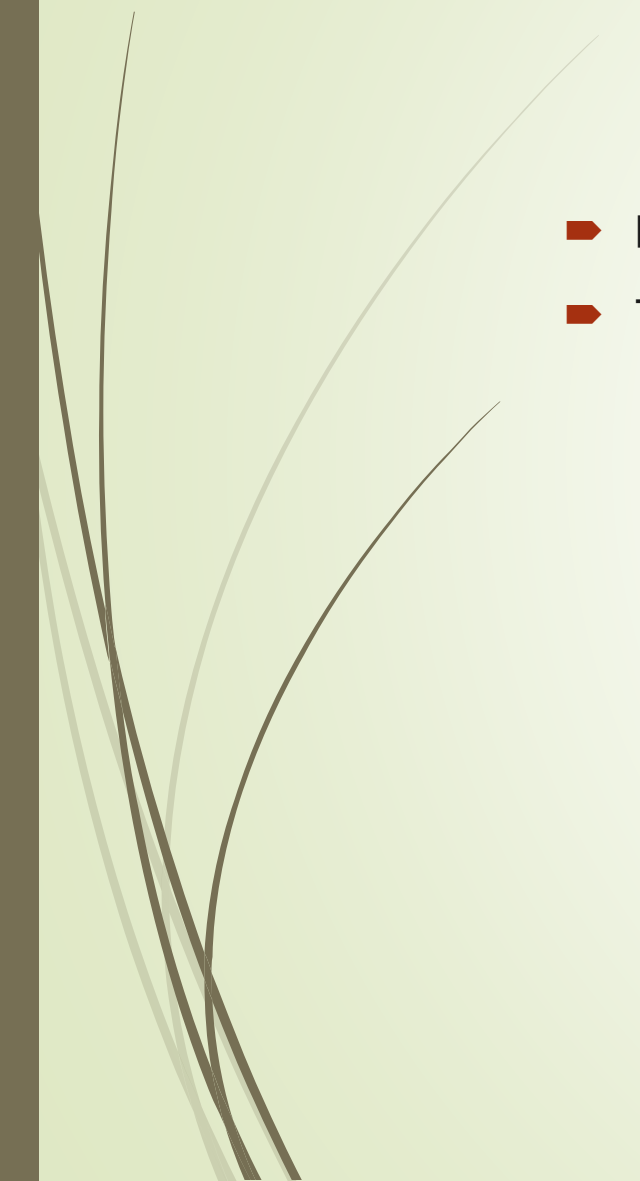


# Acquisition of private lands for public purposes

1. Land acquisition act no 9 of 1950
2. Requisition of Land act no 33 of 1950



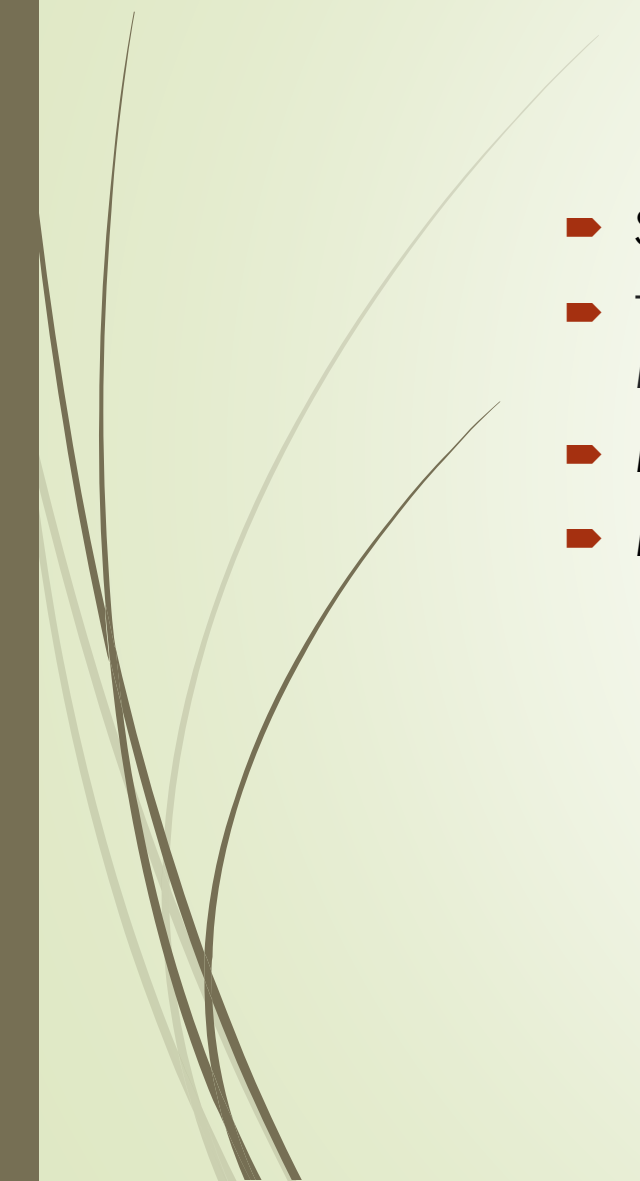
# Land Reform Commission



- Established under Act No 01 of 1972
- The role of the Commission
  - release of statutory determinations
  - payment of compensation to the owners of lands
  - utilization of the lands taken over for productive investments
  - collection of the revenue of the Commission
  - ensuring the protection of lands



# Mahaweli Authority



- Sri Lanka Mahaweli authority act no 23 of 1979
- The primary objective of the Mahaweli Authority is to implement the Mahaweli River development scheme.
- Mahaweli development program was initiated in 1961
- Main Area of divisions
  - Land use
  - Water management
  - Business development
  - Environmental division



# Sri Lanka Land Development Corporation

► The Colombo District Low- Lying Areas Development Board was established in 1968 by Act No. 15 of 1968

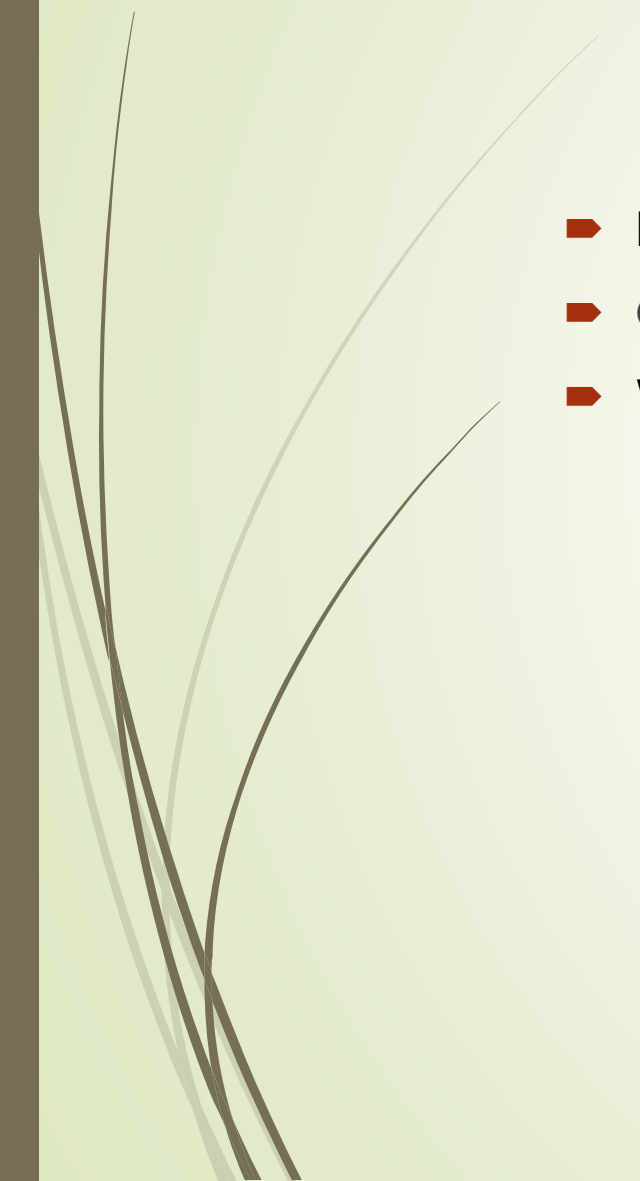
1. To reclaim and develop marshy and low – lying areas declared under Section 2 of the Act No. 15 of 1968.
2. To retain the custody, management and control of such vested lands

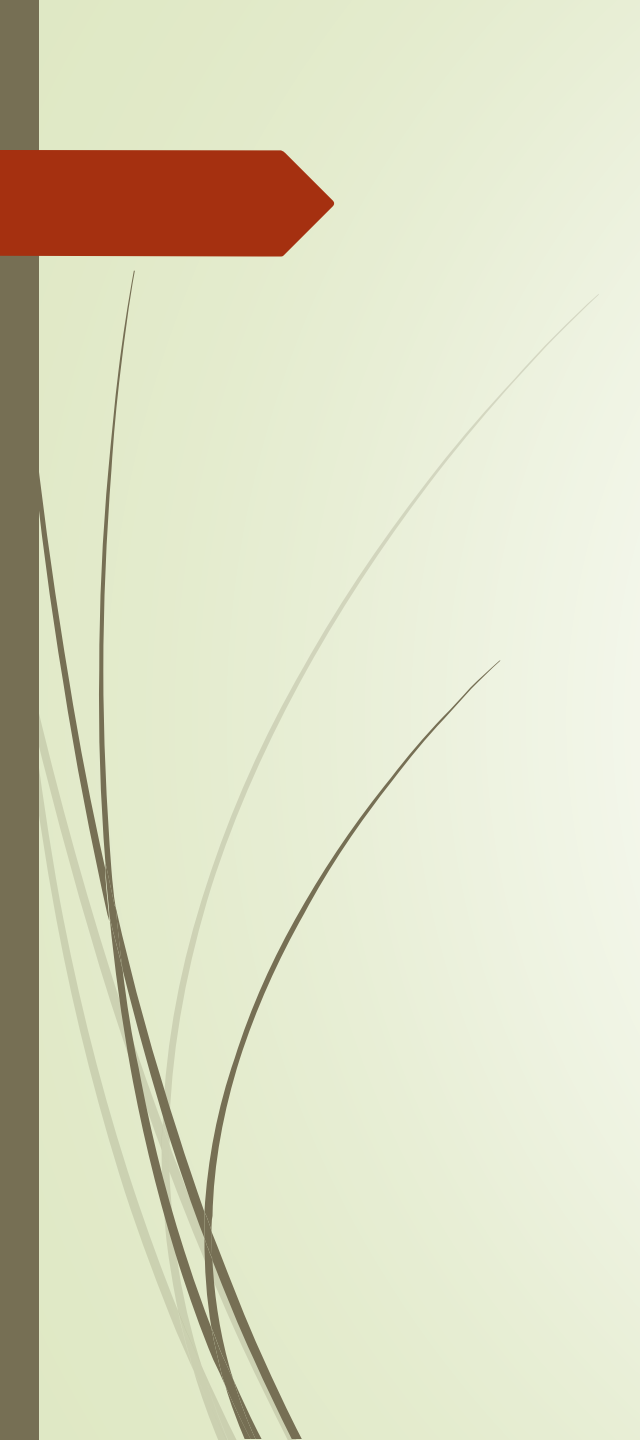
To reclaim and develop every development area declared by order under section 2 of the amendment to the SLLDC Act No. 15 of 1968.

To ensure flood free habitat and improving the environment by rehabilitating creating and maintaining polluted free inland water bodies

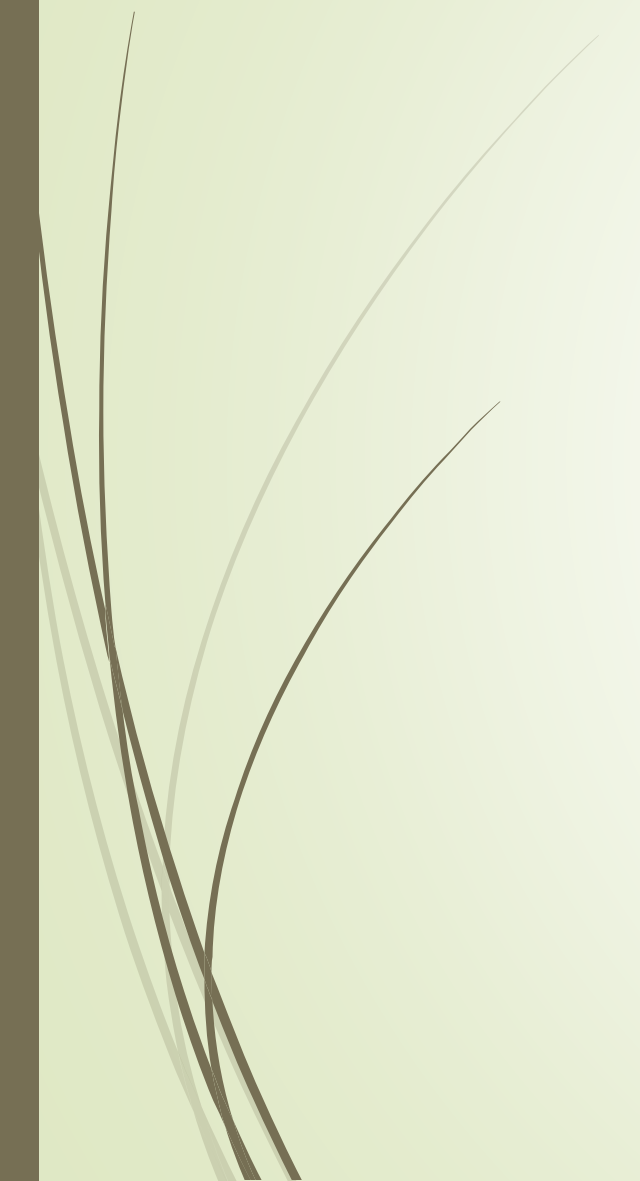
To undertake consultancy work on drainage design, land filling and other related areas and establishing a Bench Mark of high standard for the industry.

To improve and maintain the quality of our services and add value to our customers in particular and to the community at large.

- 
- 
- Engineering Designs and Consultancy Services
  - Offshore Sand mining
  - Wetland Conservation



# Discussion



Thank You