

CHAPTER XVI

STATE LAND, WATERS AND MINERALS

142. (1) The foreshore, all lands, mines, minerals and other things of value underlying the ocean within the territorial waters, rights pertaining to the continental shelf and rights pertaining to the exclusive economic zone of Sri Lanka, shall continue to vest in the Republic and shall be held by the Central Government.

Foreshore, lands underlying the ocean, mines and minerals &c.

(2) The limits of the territorial waters, the continental shelf, the exclusive economic zone and other maritime zones of Sri Lanka shall be such as are specified, from time to time, by law.

(3) The regulation of the development and exploitation of mines and minerals including oil fields, petroleum and petroleum products and the collection of royalties thereon shall be a subject and function of the Central Government.

143. (1) For the purposes of paragraphs (2), (3), (4) and (5) of this Article State land means all land in Sri Lanka vested in the Democratic Socialist Republic of Sri Lanka immediately prior to the commencement of the Constitution.

State land.

(2) The Centre and the Regions shall succeed to such State land at the commencement of the Constitution in the manner hereinafter provided and shall hold such State land in the name of the Republic.

(3) (a) The Centre shall succeed to State land controlled or used, in relation to subjects and functions enumerated in the Reserved List, by the Central Government, its institutions or any public corporation at the commencement of the Constitution.

(b) A Regional Administration may negotiate with the Central Government for the release of any State land referred to in sub-paragraph (a) of this paragraph to be used for the purposes of any subject or function in the Regional List.

(4) The Centre shall succeed to State land, situated within the Capital Territory, alienated before the commencement of the Constitution and the title to which continues to be with the Republic at the commencement of the Constitution.

(5) Every Region shall succeed to all other State land within the Region and such State land shall, subject to —

(a) the rights enjoyed, immediately prior to the commencement of the Constitution, by any person in lawful possession or occupation, immediately prior to the commencement of the Constitution, of any such land; and

(b) the provisions of this Chapter,

be at the disposal of the Regional Administration of that Region for the purposes set out in the Regional List, and the Regional Administration shall be entitled to exercise rights in or over such land, including land tenure, transfer and alienation of land, land use, land settlement and land improvement, in accordance with applicable written law.

(6) (a) Where the Central Government is satisfied that State land in a Region is required for the purpose of a subject in the Reserve List, the Central Government may, after consultation with the relevant Regional Administration, require the Regional Administration to make available to the Central Government or to such public authority as the Central Government may specify, such land as may reasonably be required for such purpose and the Regional Administration shall comply with such requirement.

(b) Where a Regional Administration does not comply with a requirement made under sub-paragraph (a) of this paragraph, the President shall refer the matter for arbitration to a tribunal consisting of one member appointed by the Prime Minister, one member appointed by the Chief Minister of the relevant Region and a Chairman nominated by the members so appointed and, where there is no agreement on the nomination of a Chairman, the Chairman shall be nominated by the Constitutional Council.

(c) A decision of a tribunal referred to in sub-paragraph (b) of this paragraph shall be binding on the Central Government and the relevant Regional Administration, and a court or tribunal shall not have the power or jurisdiction to inquire into, pronounce upon, or in any manner call in question, such decision.

(7) Alienation of any State land shall be made on behalf of, and in the name of, the Republic and shall be subject to national land use policy as determined by the National Land Use Council.

(8) Priority in land settlement schemes after the commencement of the Constitution shall be accorded first to landless persons of any sub-division, recognized by law, of a District, then to landless persons of the District and then to persons of the Region.

(9) All State land, whether under the control of the Centre or Regions, shall be used with due regard to national land use policy as laid down by the National Land Use Council.

Inter-regional
irrigation.

144. (1) Inter-regional irrigation projects are schemes where the command area falls within two or more Regions.

(2) Projects referred to in paragraph (1) of this Article and the relocation of persons displaced as a result of their implementation, shall be a subject and function of the Central Government and such relocation shall be undertaken in consultation with the Chief Ministers of the Regions which benefit from such projects, and the provisions of paragraph (6) of Article 143 shall apply.

(3) The distribution of allotments of land in land development schemes begun prior to the commencement of the Constitution and which have not been completed shall be according to the criteria that applied to such schemes prior to the commencement of the Constitution.

145. (1) Parliament shall by law provide for the establishment of a National Land Use Council, the constitution of which shall ensure the equal representation of the Central Government on the one hand and the Regions on the other and the equitable representation of all the major communities.

National Land
Use Council.

(2) The Council shall be charged with —

- (a) the formulation of national land use policy, taking into account international standards relating to the appropriate amount of forest cover, exploitation of natural resources, the quality of the environment and other relevant matters ;
- (b) the making of recommendations to the Central Government and the Regional Administrations with regard to the protection of watersheds, the appropriate amount of forest cover in each Region, conservation of fauna and flora and the protection of the environment ; and
- (c) monitoring and keeping under review, land use and compliance with policy and recommendations formulated or made in accordance with sub-paragraphs (a) and (b) of this paragraph.

(3) Where in the opinion of the Council there is deliberate non-compliance with such policies or recommendations formulated or made by the Council or by a Regional Administration, the Council shall, with prior written notice to the Governor of the relevant Region and after giving the Regional Administration such hearing as the Council may consider fit, recommend to the Central Government that the Central Government shall assume control over the land in question so as to ensure compliance with such policies or recommendations of the Council and the Central Government shall act in accordance with such recommendation.

(4) It shall be the duty of every Regional Administration to comply with such policies and recommendations and to hand over land referred to in paragraph (3) of this Article to the Central Government when required to do so.

(5) Every recommendation made under paragraph (3) of this Article shall be final and conclusive and shall not be questioned in any court or tribunal and a court or tribunal shall not have jurisdiction to inquire into, or pronounce upon, or in any manner call in question, the validity of such recommendation on any ground whatsoever.