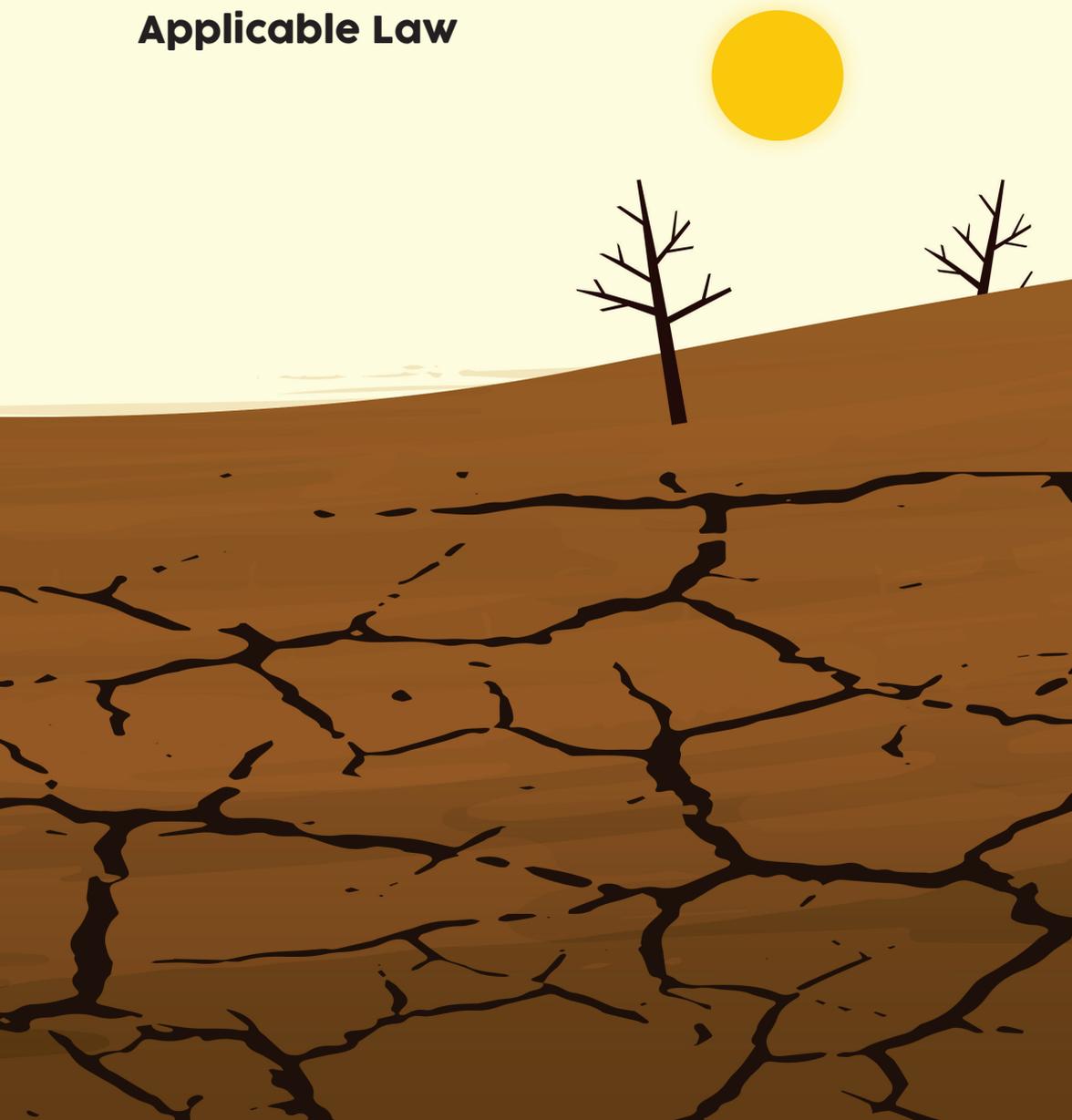


# LAND & UTILITIES

Applicable Law



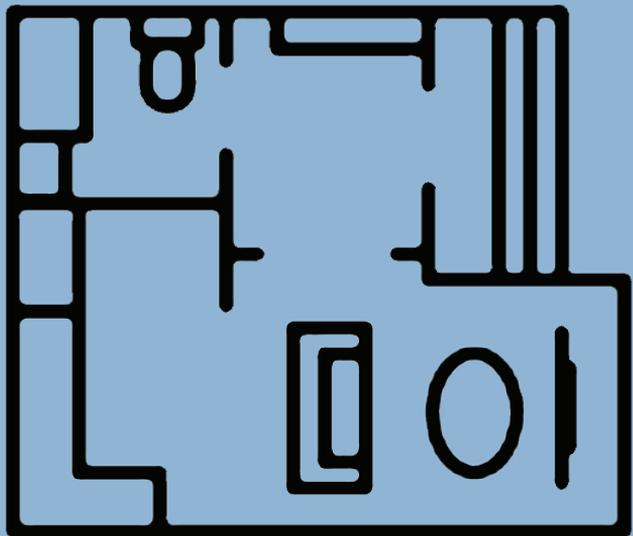
# WHAT IS STATE LAND?



State land is all land that belongs to the state or land which can be disposed of by the state along with any building on the land, including all rights, interests and privileges attached to the land. Any land which has never been owned by, or is currently not owned, by a private party, is also considered state land. This also includes lands of various Corporations and Boards. State land is administered at the national, provincial, district and divisional levels by the relevant government officials. State lands belong to the Central government as well as the Provincial governments.



# WHAT ARE PERMIT LANDS AND GRANT LANDS?



## **PERMIT LAND**

- Permits are issued to particular categories such as low-income earners and those who are landless through a land kachcheri
- Permits are temporary document
- Permits do not have corresponding survey plans
- The Permit is signed by the Divisional Secretary or Deputy Land Commissioner
- Permits can be issued as an annual permit also known as 'LDO permit' when issued under the Land Development Ordinance for a longer period and it needs to be developed by the beneficiaries
- LDO permits are upgraded versions and is more than the simple permit for holding land
- LDO permits are given for two purposes and is focused on development:
  - For agriculture use
  - For housing
- Therefore, if the property is not developed the government will cancel the permit and give it to another party

## ***Do you have absolute rights over permit land?***

No, the permit land is subject to conditions which are usually written in all three languages and are found on the permit document. These conditions are for example that:

- Permit holders can use the land only in line with the permit such as using the land only for the given purpose (usually as a residence and/or for cultivation)
- Permits are subjected to conditions, and if you violate the conditions, the permits can be cancelled
- Permit holders should pay a monthly rental to the state
- You cannot transfer permit land without the permission of the Divisional Secretary
- The permit land will continue to be subjected to the conditions mentioned in the document even after it is transferred to someone else
- LDO land has succession clauses. If a successor is not nominated the land goes to the eldest male child in the family and this is usually subject to the wife's life interest. If the permit holder is a married woman, her permit will be subject to her husband's life interest.

## **GRANT LAND**

The grant is a legal document, which ensures total ownership of the land you have developed up to now under the Land Development Ordinance Permit.

- There are different kinds of grants known as Swarnabhoomi, Jayabhoomi, Ranbhoomi, Ranbima, and Poojabhoomi
- The grant is signed by the President
- There is full ownership of the land under a grant
- Permit-holders can convert their permit into a grant or a deed, if they meet specific conditions:
  - They should have obtained land on permit
  - The land should be well developed
  - If the land was given for residence, a house should be constructed and they should be living there
  - All payments due to the state should have been paid and completed
  - They are entitled to receive a corresponding survey plan. Make sure you receive the survey plan
  - If the land has been given for agricultural purposes, it cannot be subdivided to less than  $\frac{1}{4}$  of an acre
- The President can grant or lease State land at a nominal price or rent it for charitable, educational, religious, scientific or any other purpose

## ***What are the steps to obtain a grant?***

- Land Kachcheri has to announce that land is available to be given as a grant
- All landless persons have to register with the Grama Sevaka
- The Grama Sevaka will display the landless list and open it up for objections
- If there are no objection, you will receive a land permit
- Once you have developed the land, you can apply for a LDO permit
- Only those who are landless are entitled to receive state land; therefore, if you have a land already, then you are not entitled to apply for state land
- A LDO permit is a stronger document. Once you receive it, it will be surveyed by the Government Surveyor.
- Thereafter, the land will be ready to be given one of the abovementioned grants
- Hand over your application to the Grama Niladhari or field instructor
- The Grama Niladhari or Field Instructor will inspect the land and submit a report to the Divisional Secretary
- The Land Officer/Colonization officer will also inspect the land and submit a report to the Divisional Secretary certifying that you have developed the land
- The Divisional Secretary or the Deputy Land Commissioner (in-

ter provincial) will get the land surveyed by the Department of Survey, lay boundary stones and obtain a plan

- After obtaining the plan, the Divisional Secretary/Deputy Land Commissioner (inter provincial) will prepare the grant and send it to the land Commissioner General through the provincial Land Commissioner
- The Land Commissioner General will examine the grant and if it is in order it will be sent for the President's signature
- After receiving the duly signed grants, it will be sent either to the Divisional Secretary or to the Deputy Land Commissioner (inter provincial)
- The Divisional Secretary or the Deputy Land Commissioner (inter provincial) will inform you to pay Rs.100/= as a service charge for the grant
- Once you have made the payment, the Divisional Secretary or Deputy Land Commissioner (inter provincial) will register the grant at the land registry and will give you the grant

### ***Are your children entitled to your grant land?***

- Ownership of land with grant, can be given only to your husband/wife, children or blood relations
- You can subdivide the land, subject to limitations in the grant and give it to your children

### ***What happens if you do not nominate a successor?***

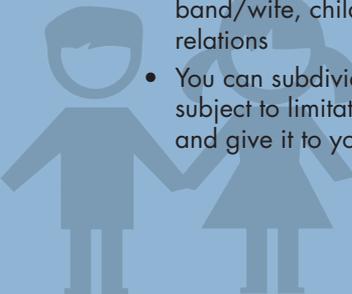
- Ownership would be given as stipulated in the law:
  - When you have sons and daughters, sons are entitled for ownership
  - When there are several sons, the eldest son will get the ownership
  - When there are only daughters, the eldest is entitled to ownership
- On such occasions, even if the younger children are in possession of the land, ownership cannot be given according to the Law

### ***How do you nominate successors?***

- Obtain form LC 155 from the Divisional Secretariat or Deputy Land Commissioner's/Assistant Land Commissioner's office, complete it and hand it back in triplicate (3 copies)
- The forms should be certified by Notary Public, Justice of Peace, or Registrar of Land
- This document will be registered at the Land Registry and one copy will be given to you
- Protect this copy with you carefully
- No fees are levied for this service

### ***Can the nomination be cancelled?***

Yes, when you nominate persons you want and Register 3 forms,



previous nominations will be cancelled.

***Can you obtain a loan using the Grant as a surety?***

Yes. The below mentioned banks/financial institutes will accept a Grant as a surety for a loan.

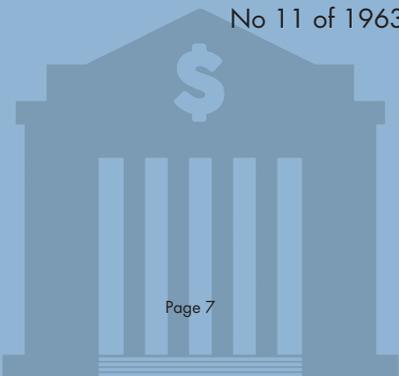
***What are the institutions where a grant can be pledged as surety to obtain loan?***

1. People's Bank
2. State Mortgage and Investment Bank
3. Bank of Ceylon
4. Development Finance Corporation of Sri Lanka
5. National Housing Development Authority
6. Commissioner of National Housing
7. Sri Lanka Housing Development Financial Corporation Limited
8. Societies and Companies registered under the Co – Operative Societies Ordinance
9. Institutions registered under the the Finance Act No 11 of 1963

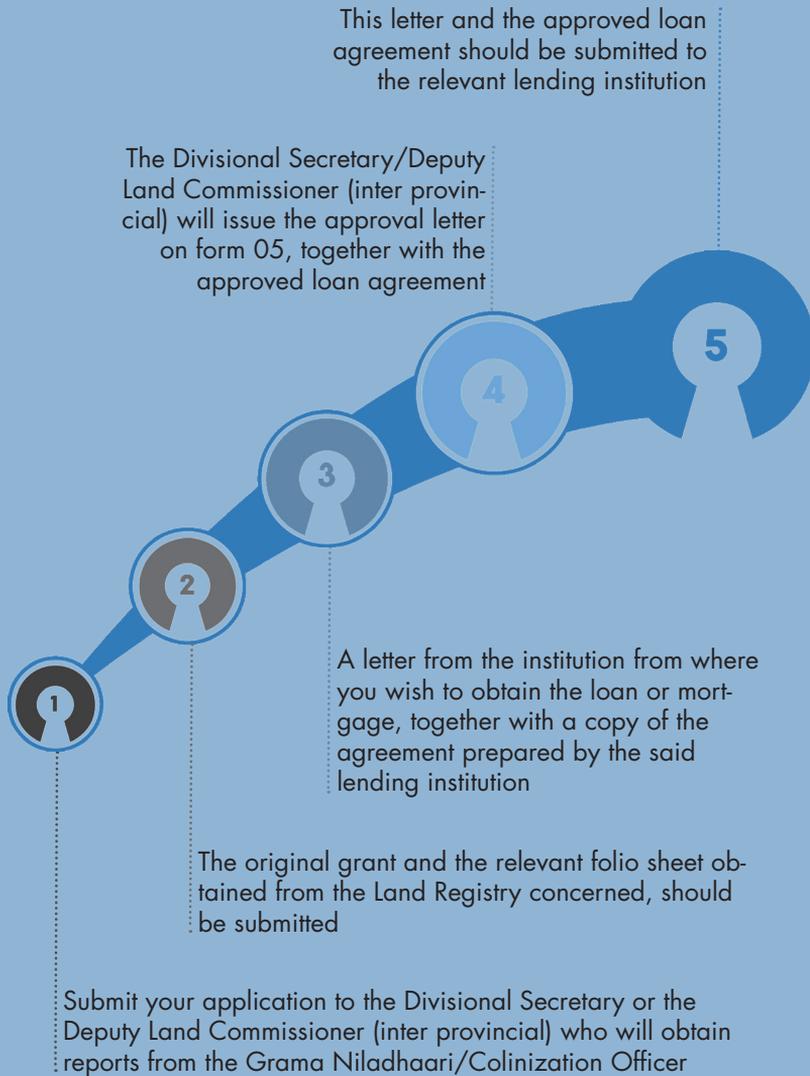
10. Institutions registered under the Finance Companies Act no 27 of 1979
11. Institutions registered under the Finance Act (Amendment) 78 of 1988
12. Any other institutions approved by the Land Commissioner General

***What will happen if the loan is defaulted?***

- If the loan or mortgage is not redeemed, land will be confiscated by the relevant lending institution
- The relevant institution can sell the land and recover the loan amount
- On that occasion, any person can purchase the land
- The purchased land will be bound by the same conditions
- Prior approval letter should be obtained from the Divisional Secretary/Deputy Land Commissioner (inter provincial) if the purchasers transfer the land again
- You can pledge the grant as surety for loans obtained by your children and you will be the pledger



## What is the process to obtain a loan or mortgage using the Grant?



**CAN YOU  
BUILD A  
RELIGIOUS  
PLACE OF  
WORSHIP ON  
PERMIT  
LAND?**





No, you cannot build a religious place of worship on permit land because the land belongs to the State



However, you can build a religious place of worship on permit land if you obtain the **PRIOR APPROVAL** of the Divisional Secretariat



You can however, meet for prayer in your house build on permit land, as you have the constitutional right to worship together with others in public or private according to Article 14(1) (e) of the Constitution of Sri Lanka

***What are the remedies available if you have built a religious place of worship on permit land without prior approval?***

- You can request permission from the Divisional Secretariat to continue the religious place of worship
- According to the State Lands (Recovery of Possession) Act No. 7 of 1979, if you are asked to demolish the building, or if you are ejected from the land, you can file a case, and show cause as to why you are entitled to the land. If you receive a judgment in your favour, you will be able to receive compensation from the state

**ON WHAT  
LAND CAN  
YOU BUILD  
A RELIGIOUS  
PLACE OF  
WORSHIP?**



- Your own private land if you have a deed which states that the land is in your name
- Grant land
- Estate land – only with the permission of the relevant Company which owns the estate land
- On Poojabhomi Grant deeds



**DO YOU NEED  
PERMISSION  
TO BUILD  
A RELIGIOUS  
PLACE OF  
WORSHIP  
ON YOUR  
OWN LAND  
OR GRANT  
LAND?**

Yes,

- The relevant local government body (Pradeshiya Sabha, Municipal Council and Urban Council) is in charge of all construction activities within its area of authority.
- Therefore, you have to get your building plans approved by the relevant local authority before you commence construction.
- If your area has been declared as an urban development area under the Urban Development Authority Act No. 41 of 1978, all construction activities in your area should be in compliance with the rules and regulations in the Act.

You can however, meet for prayer in your house, as you have the constitutional right to worship together with others in public or private according to Article 14(1) (e) of the Constitution of Sri Lanka.

### ***What are the documents needed to obtain approval for your building plans?***

- A building application form
- The original plan of the building and 3 photo copies
- A copy of the relevant deed

### ***What is the process you should follow?***

Send the above documents to the building section

A receipt for payment made according to the extent of square feet should be obtained

Thereafter the relevant site will be examined by the technical officer / public health inspector of the relevant local government body and the file with their recommendation will be submitted to the planning committee for its approval

The approved plan can be obtained upon placing the 'approved' seal on the plan



***What can you do if your plans are rejected?***

- If your plans are rejected because your documents are not in order, you will have to submit all the correct documents again to receive approval
- If your plans are rejected because:
  - You belong to a particular religion or denomination, you can:
    - Send a Right to Information request asking the legal grounds on which you have been denied approval
    - file a Writ Action in the Court of Appeal asking the Court to direct the relevant local authority to approve your plans
  - file a Fundamental Rights Petition in the Supreme Court stating that your Right to Equality has been infringed
- You have not obtained the approval of the Buddha Sasana Ministry according to the 2008 Circular, you can:
  - Cite the letter received from the Ministry of Buddha Sasana which states that the 2008 Circular is applicable only to Buddhist places of worship
  - Cite the letter received from the Department of Christian Affairs which states that no church or pastor is required to register with the Department

# HOUSING FOR PLANTATION COMMUNITY



## **Who is eligible for housing?**

- Those living in line houses
- Those living in areas that are prone to or are affected by landslides and fire

## **How do you submit the application?**



Send a request to the Ministry



The request should have the recommendation of the Plantation Human Development Trust



The request should be channeled through the Estate Manager



The process can take 10 months to be completed

## **What are the necessary supporting documents?**

- Request letter from the Regional Plantation Company (RPC)
- List of beneficiaries certified by the Estate Manager of the RPC & PHDT
- NBRO clearance concerning the suitability of the land
- Consent letter from the RPC to release the land
- Project concept document

## **Can you build a religious place of worship on plantation land?**

You can build a religious place of worship on plantation land only after you receive the permission of the relevant plantation company/ authorized official of the company, which owns that particular plantation land.

# HOW DO YOU OBTAIN ELECTRICITY SUPPLY?



You can request for electricity only after the construction work is complete and service wire should be available up to the Meter location.

### **What are the required documents?**

1. Gramasevaka Certificate to confirm building assessment number and occupancy
  2. A Photocopy of the National Identity Card (NIC)
  3. Documentary proof for ownership
  4. Certificate of Conformity (CoC) from the relevant local government body
- You can obtain applications from the closest Consumer Service Centre
  - When application is filled and submitted, Rs. 250.00 should be paid
  - You can submit the applications on week days from 9am - 3pm
  - The estimated cost will be given after the relevant application is filled and submitted
  - Approximately two weeks will be required for the service to be provided

### **How do you obtain a temporary electricity connection?**

*When can you obtain a temporary connection?*

- where permanent supply connection is not needed
- when necessary poles with 'D' bracket and insulators have been erected and 7/.044, 7/0.52 or 7/1.064 service wires have been strung

*When can you obtain a temporary connection from another house?*

- When a permanent service connection cannot be obtained
- For a special/emergency occasion. Ex: for a funeral

*What are the necessary documents?*

5. Letter from the consumer who is willing to extend the supply
  6. Bill which has been settled fully (with receipt)
- the service will be provided within a day

### **How do you obtain electricity supply in Colombo?**

*When can you obtain a connection?*

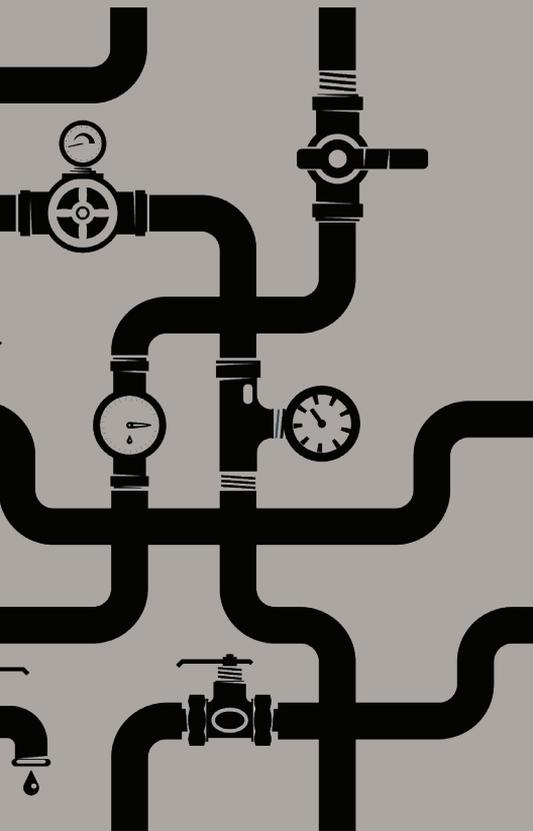
- Construction of building should have been completed
- The main wire should be available up to the point where meter is fixed.

*What are the required documents?*

1. Assessment letter issued by CMC to confirm Assessment Number
  2. Or, certificate from "Gramasevaka" to confirm the residence
  3. If property under UDA, a letter from UDA
  4. Electrical wiring test certificate
  5. Photocopy of the NIC
- When application is submitted, Rs. 250.00 should be paid
  - An estimate cost will be given after the relevant application is filled and submitted
  - The service will be provided within approximately two weeks

# HOW CAN YOU OBTAIN A NEW WATER SUPPLY CONNECTION?





- Check whether it is an area where piped water supply is available
- Collect the application form for a new water supply connection from the closest NWSDB Office
- Submit the application form and supporting documents at the NWSDB office
- An Engineering Assistant or the Officer-in-Charge will make an inspection of your premises to take measurements and prepare a cost estimate. This will take a maximum of 7 days depending on the number of outstanding applications.
- If the pipeline details are available in the GIS at the Office, the cost estimate will be given at the time of applying
- Where the road pavement has to be cut open to give the new connection, a road reinstatement charge has to be paid to the relevant Local/Road Authority
- The payment to the Local/Road authority has to be made to them directly by the applicant. The applicant should show evidence of making the payments to the NWSDB office
- The applicant should sign an agreement with the NWSDB
- The water supply connection will be provided within a maximum of 4 days after the payment is made







The National Christian Evangelical Alliance of Sri Lanka (NCEASL)

Address: P.O. Box 113, Dehiwala, Sri Lanka

Tel: 011-5511358

Email: [legal@nceasl.org](mailto:legal@nceasl.org)

Web: [www.nceasl.org](http://www.nceasl.org)

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