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EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Western Province Agrarian Services Authority Statute, No. 01 of 2012

A statute to provide for the establishment of Agrarian Services Authority and for matters Connected therewith or incident thereto.

Be it enacted by the provincial council of the Western Province of the Democratic Socialist Republic of Sri Lanka as follows :-

1. This Statute shall be cited as the western Province Agrarian Services Authority Statute No..... of 2012 and shall come into effect from the date of receiving the approval of the Hon. Governor. Short title and the date of

PART I

2. (1) There shall be established an institution which shall be cited as the Western Province Agrarian Services Authority (herein after referred to as the "Authority") Establishment of the Agrarian Services Authority

(2) The Authority shall be a corporation by the name assigned to it by subsection (1) and shall have a perpetual secession and a common seal. Further it may sue and be sued by that name.

3. The objective of the Authority shall be to facilitate the economic growth of the province through agricultural development which includes following matters :- Objectives of the Authority

- (i) To provide opportunities to improve the living standards of those who reside within the province through providing subsisting crop or commercial crop or ecologically important crop or imparting knowledge, skills and support for cultivation.
- (ii) Encouraging communities to cultivate cultivable lands.
- (iii) To provide technical support and training with regard to selection of crop, nursery preparation, seeds, procedure for those who require such cultivation assistance.
- (iv) To improve and encourage eco friendly cultivation.
- (v) To provide agricultural technical services on commercial basis.
- (vi) To provide landscaping services.

- (vii) Preservation of Bio-diversity of the province.
- (viii) To improve industries based on agriculture.
- (ix) Rehabilitation and maintenance of minor irrigation.
- (x) To assist in marketing agricultural products and to provide financial facilities for agricultural commercial entrepreneurs.

Part II

Constitution of
the management
Council.

4. (1) The management and administration of the affairs of the authority shall be vested in a Board of Management appointed in accordance with the provision of subsection (2) (herein after referred to as the “Board”) and the Board of Management shall exercise all powers and perform all the functions of the Authority.

(2) The Board shall consist of the following nine (09) members.

(a) The following four (04) ex-officio members namely :-

- (i) The Commissioner General of Agrarian Development or a senior officer nominated by him ;
- (ii) The person holding the office of the Provincial Director of Agriculture for the time being ;
- (iii) The person holding the office of the Provincial Director Irrigation for the time being ;
- (iv) The person holding the office of Deputy Chief Secretary (Finance) of the provincial council or a senior officer nominated by him ;

(b) Members appointed by the Minister in charge of the subject (hereing after referred to as “Appointed Members”) as mentioned bellow :-

- (i) A person with a considerable knowledge in the field of agriculture ;
- (ii) A resident of the province who makes his livelihood by cultivation and who has a long term experience in that field ;
- (iii) A person with knowledge on the subjects of Environmental Science or Environmental Protection ;
- (iv) A person who is serving in the private sector or retired from private sector ;
- (v) An officer of the Provincial Ministry of Agriculture that should be appointed in consultation with the Secretary of the Ministry.

Appointment of
the chairman

(3) (a) A member from the Board of Management shall be appointed as the Chairman of the Board of Management by the Minister.

(b) The term of office of the Chairman shall be 3 years and he shall be eligible for reappointment.

(c) If the Chairman by reason of illness, absence from Sri Lanka or any other reason temporarily unable to perform the functions of his office the Minister may appoint an other person to act in his place.

(d) The Minister may remove the chairman of the Management Board appointed in terms of section 4.3 (a) from office of the Chairman with due reasons.

5. If a person :-

<p>(a) becomes a Member of Parliament or a member of any Provincial Council or a member of any Local Government Authority ;</p>	<p>Disqualifications for being a member</p>
<p>(b) Is found or declared to be of unsound mind under any law in force in Sri Lanka or laws of any other country ;</p>	
<p>(c) Is serving a sentence of imprisonment or has served that sentence enforced by any court of Sri Lanka or of any other country ;</p>	
<p>(d) Holds or enjoys any right or benefit under any contract made by or made on behalf of the Authority ;</p>	
<p>(e) Has any financial or other interest as is likely to affect prejudicially in performing his functions as a member of the Authority, shall be disqualified from being appointed or continuing as a member of the board.</p>	
<p>6. (1) An Appointed Member of the Authority may resign his office by a letter addressed to the Minister for the relevant purpose and such resignation shall be effective from the date on which it is accepted in writing by the Minister.</p>	<p>Removal or resignation of a member</p>
<p>(2) The Minister may remove a member appointed to the Management Board from his office under section 4 (2) (b).</p>	
<p>(3) The Minister may appoint another person after an Appointed Member vacates the office earlier by death, resignation or removal.</p>	
<p>(4) Where an Appointed Member is temporarily unable to perform his functions due to ill health, absence from Sri Lanka or infirmity, the Minister may appoint another person temporarily to act in his place.</p>	
<p>(5) A member appointed under section (4) (2) (b), unless he earlier vacates office by death, resignation or removal shall hold office for the un-expired part of the term of office of the member whom he succeeds.</p>	
<p>(6) The term of office of an Appointed Member should be three (03) years and shall be eligible for reappointment if that member shall not become disqualified under subsection 05.</p>	<p>Term of office of the members</p>
<p>(7) The members of the Board shall be paid remuneration determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.</p>	<p>Remuneration and allowances of the members</p>
<p>(8) The Management Board may appoint a suitable person as the Secretary to the Management Board.</p>	<p>Secretary to the Management Board</p>
<p>(9) (i) The Chairman shall preside at the meetings of the Management Board and in the absence of the Chairman a member elected by the members present shall preside at such meetings.</p>	<p>Meetings of the Management Board</p>
<p>(ii) The quorum of any meeting of the Board shall be three (03) members.</p>	
<p>(iii) The Board shall meet at least once in every month and subjected to the preceding provisions may formulate the procedure with regard to meetings and transaction of business at such meetings.</p>	
<p>(10) No act, decision or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy of the Board or any defect in the appointment of any member thereof.</p>	<p>Acts not invalid by reason of a vacancy</p>

The seal of the Provincial Authority

7. (1) The seal of the Authority shall be determined and devised by the Board and may be altered in such manner as determined by the Board.

(2) The seal of the Authority shall be in the custody of the secretary to the Management Board.

(3) The seal of the Authority shall not be affixed to any instrument or document except in the presence of two members of the board who shall sign in the instrument or document as token of their presence.

(4) A register of every instrument and document to which the seal of the Authority has been affixed shall be maintained by the Authority.

Board to exercise its powers under the direction of the Minister

(5) In the exercise of its powers and performing and accomplishing its functions the Board shall comply with any general or special directions as may be issued by the Minister from time to time.

Provided that compliance by the Board with any general or special directions so issued shall be subjected to the provisions of any other law for the time being in force.

PART III

8. Functions of the Authority are as follows ;

Functions of the Authority

land.

(1) To provide services on commercial basis to persons who have requirement to improve their

(2) To introduce agriculture, that is suitable to the environment.

(3) To assist any person to sell his agricultural products.

(4) To provide landscaping services.

(5) To promote cultivation with organic manure.

(6) To introduce indigenous and traditional methods of protecting plants with a view to discourage use of chemical fertilizer.

(7) To collect information on the services provided by the Authority and record and publish them as necessary.

(8) To organize ways and means and to enter into agreements with any person to establish and maintain model farms, farms, plant nurseries and to improve distribution and sale of plants.

(9) To provide facilities needed to establish and improve industries based on agriculture.

(10) To provide awareness to the residents on protecting bio diversity of the province.

(11) To preserve of endangered plants.

(12) To collect data, conduct researches and popularize traditional agricultural knowledge.

9. The authority may have all powers mentioned below, including engaging in any function that comes under the objectives of this statute.

Powers of the Authority

(1) Formulate and implement plans with the aim of improving development of the agriculture in the province.

(2) To buy, acquire, hold take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property required or held by the Authority.

(3) To enter into contracts with any person for the achievement of any one or more objectives of the Authority.

(4) To determine the fees for the service rendered by the Authority and to make payments for those who have rendered any service to the Authority.

(5) To determine all designations and office decided as needed for the Management Board and determine wages, allowances and remunerative those are considered as suitable for any such designation or office by the board, determine service directions and conditions, disciplinary procedures and recruiting procedures for the achievement of the objectives of the Authority.

(6) To maintain and close bank accounts.

(7) Obtain loans or receive money for the functions of the Authority on a bond if needed or in a way that may be determined by the Authority on the approval of the Minister with the concurrence of the Minister in charge of the subject of Finance.

(8) To grant loans to a person on a suitable bond for agricultural commercial entrepreneurs this does not exceed 10% of the Fund of the Authority under the conditions determined by the Authority on the approval of the Minister.

(9) To provide certain goods and services free of charge with the concurrence of the Minister on any occasions decided by the Board as suitable.

(10) Accept gifts, presents and donations in the manner of money or material.

10. (1) Where the Authority is required to acquire any private land for a general purpose of the Authority the Government may acquire the lands on behalf of the Authority functioning under the Land Acquisition Act.

Crown lands

(2) The Authority may make any payment of compensation that has to be paid under Land Acquisition Law for any acquisition of that sort.

11. (1) There shall be a Chief Executive Officer for the Authority and may be appointed by the Minister for 3 years. He shall not be ineligible to reappoint at the end of the period of 3 years. He shall be remunerated in such a manner and such rate as determined by the Minister with the concurrence of the Minister in charge of the subject of Finance and shall be subjected to such prescribed terms and conditions.

Appointment of the Chief Executive Officer

(2) The Board may delegate any of the powers and functions of the board to the Chief Executive Officer of the authority.

(3) The Chief Executive Officer shall be in charge of directing functions of the Authority, executing decisions taken by the Board and administrative and finance control of the employees of the Authority under general and special provisions of the Chariman of the Board.

(4) The Chief Executive Officer may with the approval of the Board delegate in writing to any other employee of the Authority any of his powers, functions and duties as may from time to time he considered necessary and may the employee, to whom any such powers, functions and duties are so delegated shall exercise them subject to the general and special directions of the Chief Executive Officer.

Powers, Functions and duties of the Chief Executive Officer

12. (1) The Authority may appoint such officers, servants and agents as it considers necessary for the efficient exercise and performance of its powers, duties and functions and may exercise disciplinary control over the staff of the Authority.

Appointment of officers, servants and agents.

(2) The Officers, Servants and Agents shall be remunerated in such manner and at such rate and shall be subject to such conditions of service as may be determined by the Authority in consultation with the of Ministers in charge of the subject of Finance of the Board of Ministers.

Fund of the Authority.

13. (1) There shall be maintained the “Agrarian Services Authority Fund” (herein after referred to as “Fund”) by the Authority.

(2) Following sums shall be paid to the fund of the Authority.

- (a) All such sums of money as may be voted from time to time by the provincial council of the Western Province.
- (b) All sums of money received by the authority in the exercise, performance and discharge of its powers, functions and duties.
- (c) Foreign aids negotiated by the Government and allocated for an agricultural project or scheme shall be credited to the fund under purview of the objectives of the Authority.

(3) All sums of money required to defray any expenditure incurred by the Authority in the exercise, performance and discharge of its powers, duties and functions shall be charged from the fund of the Authority.

(4) The initial capital of the Authority shall be Thirty million Rupees. While the initial capital shall be paid with provincials Fund in installments to be decided on by the Minister in charge of the subject of finance having consultants the Minister concerned, the said monies shall be credited to the fund set up under sub section 1.

Financial year and audit of account.

14. (1) The financial year of the Authority shall be the calendar year.

(2) Provisions of the statute 154 of the constitution shall be applied in relation to auditing accounts.

(3) Accounts of the fund and a copy of the report of the Auditor General with regard to them shall be presented to the Minister within 12 months after the close of the financial year. and the Minister shall place it before the provincial council along with the annual report of the Authority within 12 months.

Power of making regulations.

15. (1) The Minister shall make regulations for the purpose of carrying out and giving effect to the principles and provisions of the statute or in respect of any matter which is required by this statute or in respect of any matter authorized make regulations by this statute.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such a date as may be specified in the regulations.

(3) Every regulation made by the Minister shall within 3 months be brought before the provincial council for the approval after publishing in the *Gazette*. Any regulation which is not so approved shall be deemed to be rescinded as from the date of the disapproval but without prejudice to anything previously done there under.

Common Provisions.

16. The Authority may make rules with regard to all matters or any one of them empowered or prescribed to make rules by this statute, on the management of the functions of the Authority subject to approval of the Minister.

(1) All officers and servants of the Authority shall be included in Disciplinary Procedure mentioned in the volume II of the Establishment Code until preparation of a disciplinary procedure for the Authority and shall be considered as a public officers and servants with regard to provisions fo the Penal Code.

(2) The administrative authority shall be considered as a scheduled institute as signified in the Bribery Act and shall be relevant to the provisions of that there under.

17. In this statute, unless the text otherwise requires,

Section of interpretation.

“The Minister” means the minister in charge of the subject of Agriculture in the Board of Ministers in the Provincial Council of the Western Province.

“Board of Ministers” means the cabinet of the Western Province.

“Board” means the Management Board of the Authority.

“Provincial Council” means the Western Province Provincial Council.

“The Secretary” means the secretary of the Ministry in charge of the Agriculture subject in the Western Province.

“A person” means a person/an institute/ a company / a board of persons.

“Subsistence Crops” means the varieties of serials, yam, vegetables and fruits.

“Commercial Crops” means the varieties of serials, yams, vegetables, fruits and decorative plants that are used for direct selling.

“Agriculture” means

(i) Cultivation of cereals, yams, field crops, spices, industrial crops, vegetables, fruits, flowers, pastures or forage.

(ii) Dairy farming, stock raising and breeding.

(iii) Plant and fruit nurseries and

(iv) Apiculture and fresh water fisheries

18. In the event of any inconsistency between the Sinhala, Tamil and English texts of this statute, the Sinhala text shall prevail.

Sinhala text to prevail.