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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Rural Development Statute No. 05 of 1998

NOTIFICATION

I, A. D. Gamini Thilakasiri Minister in-charge of the subject of Rural Development in the Western Province Provincial Council hereby declare that the Rural Development Statute No. 05 of 1998 of Western Province Provincial Council shall come into to operation with effect from March 27, 1998, the date as approved by Governor of the Western Province.

A. D. GAMINI THILAKASIRI,
Minister In-charge of the Subject of Rural
Development Western Provincial Council.

Colombo,
29th August, 2007.

RURAL DEVELOPMENT STATUTE NO. 05 OF 1988 OF WESTERN PROVINCE PROVINCIAL COUNCIL

A Statute to provide for the establishment, registration and maintenance of Rural Development Societies, Rural Development Authority and Rural Development Provincial Authority for the upliftment of economic, Social, Educational, Moral, Health and Cultural activities of rural and urban Community within the Western Province and for matters incidental thereat.

Be it enacted by the Provincial Council of the Western Province of the Democratic Socialist Republic of Sri Lanka.

Short title and date of operation. 01. This Statute shall be cited as Rural Development Statute of the Provincial council of the Western Province of Sri Lanka No. 05, of 1998 and shall come into operation on such date as approved by the Governor of the Western Province.

Purposes, Objectives and functions. 02. To bring about an economic, social and spiritual development based on planned performances of the people of the area of Authority of the Western Provincial Council by developing their skills and labour.

- A. To organize, establish, register and maintain Rural Development Societies.
- B. To organize, establish, register and maintain Rural Development Local Authority.
- C. To organize, establish, register and maintain Rural Development Provincial Authority.
- D. To establish, and maintain women development centers and to plan and implement the programmers for the community development.

PART - 02

Provincial Rural Development Department. 03. (i) There shall be established a Rural Development Department consisting of Provincial Development Director (hereinafter referred to as Rural Development Director) and other officers and public officers for the purpose of this Statute.

(ii) The Secretary shall be in charge of the administration of this Statute, subject to the ordinary and special provisions of the Minister.

Appointment of Officers Powers and functions. 04. (i) The following persons shall be appointed for the purposes of this Statute. Rural Development Director, Assistant Director, District Rural Development Officers, Rural Development Officers, District Wardens and Instructress, of Women Development and other officers and employees who may be cited as required by the Hon. Minister who is in charge of the subject.

(ii) The Secretary, Director and Other Officers shall implement the provisions of the regulations made in this Statute and there under, subject to the ordinary provisions and administration of the Minister and they shall have power and responsibility to implement such provisions.

Head of the Department who is in charge of the Rural Development. (iii) Provincial Rural Development Director shall be the Head of the Department in charge of the rural development. The Secretary to the relevant Ministry shall determine his powers and functions and he shall act under the supervision of the Secretary to the Minister for the achievement of objectives referred to in the Rural Development Statute. All officers and employees of the Provincial rural Development Department including the Rural Development Director shall be deemed to be public officers within the meaning of the penal code.

PART - 03

Constitution of the Rural Department Society, Registration and Powers of the society. 05. (i) There shall be established a rural development society or rural development women's society of both such societies in each village for the promotion of economic, social, health, educational, moral and cultural activities of the rural and cultural activities of the rural and urban community living in the area of Authority of the Western Provincial Council.

- (ii) In this context Grama Niladhari Division or the traditional village of common relations or Gam Godella or Colony or Urban settlement with estate unity, shall be accepted as the village. The Secretary, having considered the above matters, shall determine the area of authority of the rural development society with the assistance of Grama Niladhari and Rural Development Officers.
 - (iii) Of the number of families in the area of authority as determined, at least 20 families shall represent the inaugural meeting for the establishment of a rural development society.
 - (iv) There shall be a plan at village level made by the rural development society for the upliftment of economic, health, educational, moral and cultural activities of the people living in the above village for the prescribed period of time and it shall be duty of the Western Provincial Council and the Local Body in the area of authority in which the society as set up to provide financial aids and other assistance required for making this plan a success. The volunteer organizations and non-governmental organizations may extend their help to the rural development societies for this purpose.
06. (i) For the rural development societies there shall be prepared a constitution in accordance with the constitution approved by the Rural Development Secretary in the Provincial Council and such constitution shall be accepted by the majority of villagers in the establishment of societies. When the constitution accepted by the secretary is published in the Gazette such constitution shall prevail until such time another constitution is published.
- Constitution of the Rural Development Society, Registration and Power of the Society.
- (ii) The rural development society shall be a body corporate with perpetual succession and a common seal and it shall have the power to enter into agreements in accordance with the objectives of the society. The rural development society by that name and style may sue and be sued.
 - (iii) The rural development society shall have the opportunity to summon any officer having knowledge in the relevant field in the area for the purposes of such society and each officer shall be an instructor in the relevant field. But he shall not franchise with regard to the activities in the society.
 - (iv) The secretary of the rural development society which has been established in terms of the provisions stipulated in Paragraphs 1, 2, 3 and 4 part - 3 of this statute, shall duly and correctly prepare the following documents in duplicate and submit the same to the same to the relevant Divisional Secretary along with the recommendation of the Rural Development Officer.
- 01. Application for the registration of the society.
 - 02. List of names of the members.
 - 03. Minute of the inaugural meeting.
 - 04. Constitution which has been adopted by the society.
 - 05. A list of names of the staff and members of the working committee.

The divisional Secretary, on verification of such documents and having satisfied, shall approve qualifications, documents and register the same making entries in the registration book and issue a registered certificate to the society with a copy to the Director of Rural Development.

Term of Office.

- (v) The whole term of officer of a rural development society which has been registered in terms of the provisions referred to in paragraph —IV above and the tenure of the office bearers shall be period of 02 calendar years. New Office bearers shall be elected within a period of three months, on behalf of the office bearers whose tenure has expired on completion of 02 calendar years.
- (vi) In the election of new office bearers for the inauguration of a rural development society in terms of this statute, the Rural Development Officer or any other officer authorized by the Divisional Secretary or one of such officers shall attend the meeting.
- (vii) The financial year of the rural development society shall be the calendar year. The statement of income and expenditure on transactions within the financial year ended by the calendar year shall be adopted and submitted to the Divisional Secretary through the rural development officer.
- (viii) The rural development officer of Divisional Secretary's Division shall be the ex-officio instructor of the rural development society/women's society and responsible for all supervision and rural development activities.
- (ix) Any project launched and maintained by the rural development society shall be under the supervision of such society.
- (x) The Divisional Secretary should take a decision if any problem arises out of above matters. Where the Divisional Secretary is unable to take a decision he shall refer such matters to the Rural Development Directors for the decision. His decision shall be final and if not being satisfied with such decision only one appeal can be submitted in this regard to the secretary in charge of the subject in the province and decision of the Secretary shall be the final decision.

PART 04

Establishment of Rural Development Local Authorities. The Objectives and Functions.

- 07. (i) Rural Development Local Authorities may be established so as to represent by Hon. Chairmen/Chairpersons of rural development societies/ women's societies which have been set up in each Division of the Divisional Secretary with the objectives of advising and supporting for the promotion of Rural Development Societies, assisting in the achievement of its objectives, representing provincial Local Authorities, formulating divisional rural development plans and co-ordination rural development societies.
- (ii) Such local Authority shall prepare an appropriate constitution pertaining to the constitution approved by the Secretary to the Ministry or Rural Development for the Local Authorities on the basis of Rural Development divisional constitution and on adoption of this constitution, shall obtain the approval of the Secretary to the Ministry and act accordingly.
- (iii) The Chairmen of this Local Authority shall be appointed from among the chairmen/chairpersons of Rural Development Societies. Women's Societies and the Rural Development Officer shall be appointed ex-officio as the Secretary. The Divisional Secretary shall be the patron ex-officio.

08. (i) A Rural Development Provincial Authority shall be established consisting of the chairman of the Rural Development Provincial Authority and district Rural Development officers. The Secretary to the Ministry in charge of the subject of rural development shall be appointed ex-officio as the Chairman of this Authority. Hon. Minister who is in charge of the subject of rural development shall be the patron. Establishment of Rural Development Provincial Authority.
- (ii) There shall be an appropriate constitution for the Rural Development Provincial authority and the functions of such Authority shall be performed in accordance with this constitution.
- (iii) The functions of this Authority shall be to obviate difficulties in the rural development work at divisional level, measure the progress of rural development work, plan and decide policies, advise, assist, abet, for the promotion of rural development societies in the province and establish proper co-ordination among the Rural Development Local Authorities.

PART - 05

09. (i) A separate provincial development account may be opened and maintained under the council fund to obtain provisions and to incur expenditure required for the achievement of the objectives in the statute. Accounts of Provincial Rural Development and its objectives.
- (ii) The Secretary to the Ministry shall attend to the financial control of the rural development account and he shall submit annual statement of income and expenditure on financial transactions to the Ministry in charge of the subject cabinet and to the Western Provincial Council, through Hon. Minister in charge of the subject.
- (iii) Provisions of this account may be obtain from the following sources :-
1. Grants from the Central Government.
 2. Allocations from the Provincial Council funds.
 3. Allocations of the Provincial Council members.
 4. Foreign aids.
 5. Benefits received from other earnings.
 6. Provisions received from local and foreign donors.
 7. Income received from other legal source.
- (iv) Tax exemption for any local grants for this account and duly exemption for the goods imported from foreign countries may be granted.
- (v) The Secretary shall cause action to maintain accounts perfectly and appropriately in respect of each financial year.
- (vi) The Secretary to the Ministry shall prepare a report on the administration of account as early as possible on expiration of each financial year.
- (vii) The provisions in part-111 of Statute 42 of 1987, shall mutatis mutandis, apply to the financial control account and in relation to accounting.
- (viii) Account shall be audited by the Auditor General.

Statement of
Accounts.

- (ix) The Minister shall, as early as possible, place before Western Provincial Council statement for the administrative of accounts and the audit report of this account in respect of each financial year.

Payment from
Account.

Payment may be made with the approval from the Minister on the recommendation of the Provincial Rural Development Director, for the Programmes implemented in relation to the achievement of objectives in this Statute. However in case of contingencies, the Secretary in charge of the subject may grant approval, subject to the covering of the Minister.

PART - 06

Dissolution of
Rural
Development
Societies.

10. (i) Where misappropriation of funds, frauds, bribery and corruptions are reported to have occurred in a duly registered Rural Development Society, on obtaining a preliminary report through the suitable officers, if the facts are sufficient to satisfy to the effect that such fraud, bribery and corruptions have been committed or if the society has been inoperative during a period of 6 months, the Rural Development Director/Divisional Secretary may take necessary action to suspend all functions of such society through the rural development officers and convene a special general meeting to elect new officer bearers. Further, the Rural Development Director/Divisional Secretary shall have the power to institute legal proceedings against such officers concerned, under the existing law in force in the event of misappropriation of funds, frauds, bribery and corruptions.
- (ii) Where misappropriation of funds, formed bribery and corruptions are reported to have taken place in a Rural Development Local Authority which has been constitutionally set up, on obtaining a preliminary report through officer specially authorized by the Minister of Rural Development, if the facts are sufficient to satisfy to the effect that such fraud, bribery and corruption have been committed of if the sufficient facts are available to the effect that such Local Authority has been inoperative for a period of 6 months the Secretary shall have the power to dissolve such Authority.
- (iii) All properties belonging to the dissolved rural development society or rural development local authority shall be entrusted with the Ministry of Rural Development. The office bearers of such dissolved society of authority shall not be exempted from their responsibility until such time the said properties are entrusted to an officer nominated by the Secretary to the Ministry.

Implementation of
the Statute.

11. The Minister shall have the discretion to rescind and alter any requirement or decision made by the Rural Development Director at his discretion, under the regulations and provisions of this statute or there under if an appeal is made in this connection or without such appeal and it shall be legal.

12. (i) In this statute "Minister" means the Minister in charge of the subject of rural development of the Western Provincial Council.
- (ii) "Secretary to the Ministry" means the Secretary to the Ministry in charge of the subject of rural development in the Western Provincial Council.
- (iii) "Rural Development Director" means the Director of Rural Development Department of the Western Provincial Council.

(iv) “Property” means all the proprieties such as the books, documents cash in hand and money in bank and other financial institutions, furniture, buildings and lands.

13. 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 in case inconsistency.

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