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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 1737/1 - MONDAY, DECEMBER 19, 2011

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH CENTRAL PROVINCE PROVINCIAL COUNCIL

North Central Provincial Jana Sahana Services Authority Statute, No. 02 of 2010

THE aforesaid passed by the North Central Provincial Council of Sri Lanka Democratic Socialist Republic and the assent by the Hon. Governor on 07th December 2011 is hereby, there published by me for information.

Office of the Secretary to the North
Central Provincial Council,
09th December, 2011.

A. M. W. A. AMUNUGAMA,
Secretary,
North Central Provincial Council.

NORTH CENTRAL PROVINCIAL JANA SAHANA SERVICES AUTHORITY STATUTE, NO. 02 OF 2010

This statute is intended to implement the North Central Provincial Jana Sahana Service Authority for the direction of the Jana Sahana Service Project which is now already functioning to provide a better service to the people and to do development activities and to bring all activities and requirements needed for the social development of the people in the North Central Province to a practical level, to identify the basic needs of the people through the participatory system and provision of speedy solutions thereto and to maintain a practical coordination between the Provincial Council and the people and with the objective to provide provisions for other matters related or incidental thereto.

Be it enacted by the North Central Provincial Council of the Democratic Socialist Republic of Sri Lanka.

01. This statute may be cited as the North Central Provincial Jana Sahana Service Authority No. 02 of 2010 and shall come into operation on a date fixed by a *Gazette* Notification under the directions of the Provincial Minister in charge of the subject.

Operational date
of the
abbreviated
name.

PART 01

Establishment of the North Central Provincial Jana Sahana Service Authority and its constitution objectives-powers and procedure.

02. Hereby, the Authority cited as the North Central Provincial Jana Sahana Service Authority (hereinafter cited as the Authority) is established.

North Central
Provincial Jana
Sahana Service
Authority.

N.B.—Gazette Extraordinay Series No. 1736/01 ends with No. 1736/40.

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The Authority
becoming a
corporation.

03. By the name given to it here under section two, it becomes a corporation. It also shall have a continuous existence and a general stamp and may sue and be used by the aforesaid name.

04. Objectives of the Authority

(a) Establishment of an institution having powers, with the inclusion of the Jana Sahana project now functioning, to provide an efficient, effective and practical services to the people after identifying their needs properly by observing numerous aspects of the life style of the rural folk, while exercising the powers vested in the provincial council under the 13th Amendment to the Constitution of Sri Lanka and accomplishment of tasks intended for social development.

(b) *Fulfilment of Infra structure Facilities*

Provision of livelihood means self employment-income generating programmes-vocational training-awareness programmes-loan aids and equipment and fulfilment of all required infra structural facilities on special occasions and at emergencies and helping to fulfil the basic needs at times of distress and calamity and providing compensation (under the Jana Sahana Authority).

(c) *Development Activities*

Identification of development activities in various sections that are functioning in the North Central Province, making allocations, implementation, making provision, supervision, payment provision, feedback and accomplishment of all development projects that can be obtained from numerous governmental, nongovernmental and other sources, provision of loan aids (through the Provincial Council budget and other sources and under provisions allocated for the Jana Sahana Service project and allocations received under the sources) for the needs perceived as basic for the revival of the people in the province. With the help of the resources found in the North Central Province and peoples potential, direct people to income generating activities through training, providing awareness, providing aid, coordination, initiation and maintenance of vocational training considered appropriate for the life style of the rural folk in the North Central Province and promoting modern technology and research.

(d) *Common Objectives*

Speedy and systematic solution to people's requirements with the cooperation of the officers of various levels serving in the Provincial Public Service and personal in governmental and nongovernmental organizations shall be the prime objective and the Jana Sahana Service Authority expects to concurrently implement programmes with institutions dealing with aforesaid subjects.

It is also expected hereby to be able to resolve people's needs speedily by building cordial relationship with government and provincial institutions and nongovernmental organizations, provide qualitative value to any programme or activity implemented by the provincial council through strategies designed to direct implement and coordinate them with the approval of the ministry concerned implement Jana Sahana Service programmes under the instructions of the Minister, to represent each Divisional Secretariat division and put into practice strategies to find promote and positive solutions to people's needs.

05. The Authority shall have the powers and functions and activities given below to perform –

- (a) The establishment of the relevant centres including development, training, coordination and monitoring required to achieve the objectives of the Authority and their maintenance.
- (b) Entering into local or foreign agreements or memoranda of understanding to fulfil the objectives of the Authority or under provisions of any other written law.
- (c) Organization of training programmes-projects-discussions-seminars-work shop preliminary discussions - provision of awareness - progress review etc. required to achieve the primary objectives stated, herein and their monitoring and maintenance.
- (d) Purchasing, keeping, acquisition, obtaining or giving on lease, mortgage or hire, obtaining as surety, mortgaging, sale or disposal by other means, transferring ownership or donating of any movable or immovable property under provisions of any other law for the purpose of achieving the objectives of the Authority.
- (e) Purchasing - importing - supplying - purchasing and supplying, machinery, equipment and raw materials required to achieve objectives of the Authority.
- (f) Settlement of payments required to achieve objectives of the Authority.
- (g) Obtaining financial aids, materials aids, consultancy services or any other aids provided by various local, foreign or international institution required to achieve the objectives of the Authority.
- (h) Planning establishment and maintaining joint enterprises with local or foreign institution or personnel, under the provisions of any other law to achieve the objectives of the Authority.
- (i) If the necessity arises obtaining loans or overdraft facilities from banks - financial institutions or any other government or private sector institution to raise the financial recourses required to achieve the objectives of the Authority.
- (j) Initiating miscellaneous income generating projects and providing loans and subscribing to the capital of the projects initiated under the directions of the Authority and functioning as sureties when such financial facilities are obtained to achieve the objectives of the Authority.
- (k) Production, collection or sale of any goods or material for the purpose of constructing purchasing or repairing or maintaining any buildings to achieve the objectives of the Authority.
- (l) Establishment and maintenance of miscellaneous vocational institutions statutory institutions which the Authority may deem necessary to achieve the objectives of the Authority.
- (m) Making payments for services provided by the Authority.
- (n) Appointment of officials, employers and employees required to achieve the objectives of the Authority, their deployment in service, disciplinary control, training, promotions, payment of their remunerations and leave.

- (o) Initiating Employees Provident Fund schemes for the Authority's officials, employers and other employees.
- (p) Accepting a cash donation or any donation, gifts or relief aids, made in any other form and utilizing them for some objectives of the Authority.
- (q) Performance of all functions and activities related of the implementation and fulfilment of functions and activities under the powers of this statute or incidental thereto.

PART II

06. *Management of the Authority and its constitution*

Board of directors of the Authority.

- (1) (i) Three persons appointed by the Minister in charge of the subject who are conversant in administration and management, development needs in the province and life style of the rural folk, capable of working actively and having an experience and practice in subjects dealing with public welfare and capable of building a healthy coordination between the numerous institutions and the public.
- (ii) Deputy Chief Secretary (finance) of the Provincial Treasury.
- (iii) A Board Directors consisting of 05 persons including the Secretary of the Provincial Ministry in charge of the subject.

(2) As the chief executive officer, a person to the post of chairman from among the members appointed to the Board of directors shall be appointed with the recommendation and approval of the Minister in charge of the subject.

An appointed member's period of office.

(3) If a member has not vacated his post earlier, by resignation, by being removed from his post for any other reason, he shall hold his office for 05 years from the date of his appointment.

Resignation of members.

(4) By a letter addressed to the Minister, an appointed member may resign from his office at any time.

Removed of an appointed member from his post.

(5) If it is confirmed that a member of the Board of directors acts contrary to the objectives and expectations of the Jana Sahana Authority, the Minister in charge of the subject has the power to remove that member or members.

Ineligibilities.

- (6) (i) A member of parliament, a member of the Provincial Council or a member of a local government institution shall not be appointed.
- (ii) It is not appropriate to appoint a person as a member of the Board who had been punished or who is undergoing punishment for defrauding money or any other crime after being convicted.

Appointment of acting members.

(7) In the event that a member falls ill or on occasion he is unable to function in his office temporarily, some person in lieu of him to act for him may be appointed under the other provisions herein.

Meeting of the board directors.

(8) While meetings shall be held at least once in every 03 months they shall meet for special reasons at any time.

Quorum.

(9) The quorum for a meeting of the Board of Directors shall be three and they shall consist of the chairman and another two members.

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| <p>(10) The board of directors may make its procedure with regard to the meetings of the Board of Directors and meetings of the Board of Directors and performing activities connected therewith under the other provisions of this statute through regulations.</p> | <p>Procedure of the meetings of the Board of Directors.</p> |
| <p>(11) An action taken or a decision made by the Board of Directors shall not be considered as lacking in Authority due to the mere fact that a certain vacancy exists in the Board of directors or the appointment of a certain member is irregular.</p> | <p>The Board of Directors not becoming powerless due to any vacancy existing therein.</p> |
| <p>(12) Remuneration to the members of the Board of Directors shall be paid with the consent of the Minister in charge of the subject in accordance with the provisions of any other written law.</p> | <p>Remuneration of the members of the Board of Directors.</p> |
| <p>(13)(a) General stamp of the Authority shall be kept in the custody of the General Manager.</p> <p>(b) While the stamp of the Authority shall not be placed on any paper or document unless it is done before the Chairman, General Manager or a member of the Authority and the Chairman, the General Manager or the member concerned shall place their signatures on such paper or document as witnesses to confirm their presence.</p> <p>(c) Stamp of the Authority may be altered in a manner decided by the Authority.</p> | <p>General stamp of the Authority.</p> |

PART III

THE CHIEF EXECUTIVE OFFICER AND THE STAFF OF THE AUTHORITY

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| <p>(14)(i) The Chairman shall be the Chief Executive Officer, In accordance with the Authority's constitution, he shall perform all operations and activities.</p> <p>(ii) In accordance with the provisions of this statute and any other written law, remunerations shall be paid to the Chairman depending on the allowances and facilities provided to a Chairman.</p> <p>(iii) Subject to the approved of the Board of Directors some functions of the Authority may be delegated to a member of the Board of Directors or any other officer.</p> <p>(iv) In accordance with this constitution while all the officials and employees shall be in service they shall all be responsible to the Board of Directors, Executive Officers and Administrative Officers, Subject to the approval of the Board of Directors, the Board of Directors has the exclusive right to make decisions on recruitment, expulsions, removal, dismissal, disciplinary action which affect the Authority and also on other requirements.</p> | <p>Chief executive officer of the authority.</p> |
| <p>(15)(i) In the interest of fulfilling the objectives of the Authority a General Manager to facilitate administration and taking action, may be appointed a person who is in Provincial Public Service and, the Board of Directors is satisfied that he has the ability and efficiency in performing public activities or any other person who has abilities may be appointed to this post on permanent or a posted basis (it is also expected to take action in accordance with provisions of any other written law made under this Statute to avoid delays that would cause in appointing on permanent or posted basis).</p> | <p>Appointment of the General Manager.</p> |

- (ii) He is bound to follow the instructions and carry out the orders of the chairman who functions as the executive officer of this Authority. Also he shall maintain the office systematically. Employee's disciplinary control-preparation of all letters and documents - referring - protection and performance of functions of the Authority specially assigned to him by the Chairmen of the Board of Directors and maintenance and protection of all movable and immovable properties of the Authority are his duties. He is bound to implement any decision taken by the Board of Directors.
- (iii) Unless with the consent of the majority of the Board of Directors including the Chairman or with the Chairman's consent, no document belonging to the Authority shall be given, shown, provided, information thereof, to any person or institution.
- (iv) Remuneration facilities may be provided to the General Manager in a manner decided by the Board of Directors.

Other functions
of the Board of
Directors.

(16) Under other provisions of this statute —

- (a) appointment - dismissal from service - disciplinary control activities of officials - employers - and employees other than the Directors of the Board,
- (b) Prescribing salaries, wages and other remunerations of that staff and ;
- (c) Deciding service conditions of such staff may be done by the Board of Directors.

Appointment of
other members
to the staff

- (17)(i) With the objective of getting the functions of the Authority performed efficiently, and depending on the activities and requirements of the office, it is possible to procure technological needs and to recruit other officials and employees for numerous activities deemed necessary to fulfil the objectives of the Authority, in accordance with the decision of the Board of directors.
- (ii) If the board of directors feels it necessary officers may be posted from among public officers.
- (iii) Since the Authority is long lasting, while steps shall be taken to obtain relevant approval for the salaries and cadre requirements in accordance with appropriate procedure to avert delays caused in obtaining such approval it is expected to employ legally in service on piece rate - allowance rate - on contract basis to attend to the functions of the Authority. In such an event recruitments and payments are made in accordance with the decisions of the Board of Directors made accordance with the provisions of this statute or any other written law.

PART IV

FINANCE AND ACCOUNTS

Account of the
Authority.

- (18)(i) An account by the name "North Central Provincial Jana Sahana Service account" (herein after cited as "account") shall be maintained.
- (ii) The receipts received from the under-mentioned sources and other numerous ways shall be added to the fund of the Authority :-
 - (a) All the moneys provided by the Provincial Chief Ministry and other ministries, all the moneys provided by the central government ministries, all the moneys provided by all institutions including the Departments, Authorities, Corporations, Boards - projects under the aforesaid ministries.

- (b) Income received from services supplied by the Authority.
 - (c) Interest on any other income earned on the authority's fund.
 - (d) All the moneys received from any source as loans - gifts - relief or any donation.
 - (e) All other moneys received by the Authority in the performance of its functions and activities under this statute.
 - (f) Moneys received by the Authority as fees and charges.
- (19)(i) All moneys required to settle expenditure incurred by the Authority under this statute to achieve the objectives of the Authority to exercise its powers and to fulfil its activities and all payments required to be made from the account as stipulated in the statute, shall be paid from the account. Payments also may be made for activities authorized from time to time by the Authority. Accounts transactions.
- (ii) The account shall be maintained in accordance with the provisions of the part three of the Provincial Act, No. 42 of 1987.
- (20) Financial year of the authority shall be calendar year. Authority's financial year.
- (21)
- (i) An audit shall be carried out by the Auditor General in every year
 - (ii) The Authority shall make preparations to maintain the appropriate accounts book connection with receipts and payments from the account and assets and liabilities Auditing and authority's accounts.
 - (iii) Reports thus audited shall be forwarded to the Minister in charge of the subject.

PART V

GENERAL DETAILS

- (22)
- (i) The Minister in charge of the subject may make regulations for the implementation of the provisions and policies of this statute, for specific reasons and any other reason for which the statute has prescribed that regulations shall be made.
 - (ii) Every regulation made by the Minister shall be publicized in the *gazette* and shall come into operation from the date it was publicized or from the date stipulated in such regulation.
 - (iii) After the regulations made by the Minister are publicized in the *gazette* they shall be forwarded to the provincial council for approval as soon as possible. If there was any regulation that was not approved, it may be considered as cancelled from the date it was not approved. Nevertheless, such cancellation shall not affect any action taken or decision made in accordance with such regulation. It shall be publicized in the *gazette* notification as to from what date such regulation made by the minister is considered as thus cancelled.
- (23)
- (i) All the members of the Board and officials and employees of the Authority shall, within the meaning of the Penal Code and for its purposes, be considered as public servants.

Interpretation

- (ii) Any expenditure incurred to make payments to officials and employees appearing in the judiciary in a civil or criminal case instituted by the Authority or against the Authority or in any other matter before the judiciary shall be paid from the Authority's expenses. Any such payment made to the Authority or charged by the authority in such civil or criminal cases shall be credited to the Authority's account.

(24) In the statute unless the context otherwise requires, the Minister means the Minister of the north central provincial council who is in charge of the subject Jana Sahana Service Authority.

- * Provincial council means the North Central Provincial Council
- * Province means the North Central Province
- * Board of directions means the Board of Directors of the North Central Provincial Jana Sahana Service Authority
- * The Chairman means the chairman of the North Central Provincial Jana Sahana Service Authority.

Sinhala text to prevail in case of inconsistency.

(25) in the event of any inconsistency between the Sinhala and Tamil texts of this statute, the Sinhala text shall prevail.