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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

UVA PROVINCE PROVINCIAL COUNCIL

Uva Province Provincial Council, Supervision of the Administration of the Local Government Institution Statue No. 2 of 2011 of the Uva Province Provincial Council

THE above statue having approved by the Democratic Socialist Republic of Sri Lanka on the 24th February 2011, has been approved by the Hon. Governor of the Uva Province on the date 01st March, 2011 and which is hereby published for the notification of the public.

K. D. SIRISENA,
Secretary to the Council,
Uva Province Provincial Council.

Council Secretariat,
Uva Province Provincial Council,
King Street,
Badulla.
01st of April, 2011,

UVA PROVINCE PROVINCIAL COUNCIL

Charter No. 2 of 2011 regard to the supervision of the administration of the Local Government Institutions.

Be this a charter enacted to effect the powers in regard to the supervision of the Administration of the local government institutions situated in the Province of Uva and to make Provision of matters connected and consequential or relevant to it.

This charter is in accordant to the section 277(1), 277(1A), 277(1B), 277(2)(B), 277(3), of charter 252, section 184 of chapters 255 of the urban council ordinance and section 185 of the Pradeshiya Sabha ordinance No. 15 of 1987.

Enacted by the Uva Provincial of Democratic Socialist Republic of Sri Lanka.

1. This charter is introduced as “The charter No. 2 of 2011 of Uva Province Provincial Council in respect of the power in supervision of administration cited as charter No. 2 of 2011” while it shall be effective from the date of sanction and approval of the Governor of Uva Province.

Title in brief and date of operation.

The power of the minister to dissolve local government institution on inefficiency.

2. (1) By any local government institution, or a member of any local government institution or by the Chief Executive of a local government institution.

- (A) Has been found to be inefficient or mal administered, or
- (B) Has neglected to perform tasks and duties assigned or vested through relevant rule, order, regulation or charter or any rule law or,
- (C) Has neglected or defaulted to act in accordance to any rule, law, or any provision in charters, or
- (D) Has mal ministered with the powers assigned or vested through relevant law, Rule, order, regulation, charter or on any written law or rule, or
- (E) Has neglected or defaulted right through out in holding meetings or attending or participating in meetings or matters relating to the meetings.
- (F) Has neglected or defaulted right through out in participating being holding membership in an effective permanent committee/committees.

At any occasion the minister in charge of the subject of local government of the cabinet of ministers in Uva Province satisfies himself and according to such each occasion as required through the orders published by the minister in the gazette.

- (i) The chief executive of that local government institution can be vacated from that post, or
- (ii) All members or a member of that local government institution can be vacated from that post, or
- (iii) That local government institution can be dissolved.

Such an order should be tabled before the Provincial Council as soon as possible.

(2) The minister shall appoint a retired judge to submit a report within three months after investigation to satisfy himself in matters relating to items A up to E of subsection 1 before making an order under items 1(i) or (ii) or (iii) of the subsection. The person appointed so has the powers of a commissioner appointed under investigation commission ordinance in respect of that investigation.

(3) (A) “Before appointing a retired judge in respect of any matter under subsection (2) investigation or while any investigation being instituted under subsection (2) as a cessation of the process, the investigation conducted by the retired officer of the court of law or subject to be reported the minister shall”

- (I) The work of that chief executive of such local governemnt institution can be suspended, while the deputy mayor or vice chairman of that local government institution shall be ordered to work in such post at an occasion where the post of deputy mayor or the vice chairman has been fallen vacant or the work of such deputy mayor or vice chairman has been suspended the commissioner of municipal council or the government shall be ordered to effect the powers of the aforementioned chief executive, or
- (II) The post of any member of that local government institution can be suspended or else.

(III) The work of that local government institution can be suspended while the local government assistant commissioner of the staff grade under local government provincial state service decided by the minister or any other state officer serving in local administration can be ordered to execute the power of that local government institution and to perform the tasks and duties.

3. (A) When the report of the person who had been appointed under the subsection (2) of this section in received an order can be issued under subsection (1) of this section or ordered made under paragraph (A) of this subsection can be cancelled or executed by the minister.

4. As indicated above the minister shall issue a notice through a subsequent order in the same manner to establish a new municipal council in lieu of the dissolved municipal council in accordance with the provision contained in the municipal council ordinance to establish a new urban council in lieu of the dissolved urban council in accordance with the provision contained in the urban council ordinance and to establish a new Pradeshiya Sabha in lieu of the dissolved Pradeshiya Sabha in accordance in the provision contained in the Pradeshiya Sabha ordinance No. 15 of 1987.

5. At an occasion where the minister shall dissolved an urban council or Pradeshiya Sabha through orders under subsection 3(1) he shall by those order or subsequent order.

A special Commissioner or Commissioners shall be appointed subject to the condition contained definitely in the order or subject to limitations to administer the work in Pradeshiya Sabha or urban council and for the task to execute the powers and perform tasks under ordinance No. 15 of 1987 of Pradeshiya Sabha or an urban council under the urban council ordinance for the definite period of time or any time to time.

6. It shall be treated as that all property and entitlements under all agreements and all powers in possession to such special commissioner or commissioners at an occasion when the minister appoints a special commissioner or commissioners under subsection (5). Also all responsibilities and tasks of Pradeshiya Sabha or urban council should be vested such special commissioner or commissioners until the end of the period declared in the order or till the minister orders in another manner while he or they should perform them.

7. At an occasion when a Pradeshiya Sabha or an urban council has been establish after cessation of administrative work of a Pradeshiya Sabha or an urban council by a special commissioner or commissioners such Pradeshiya Sabha or an urban council according to the circumstances shall be the predecessor of such special commissioner or commissioners.

8. (A) At an occasion where at any time a chief executive of a local government institution or according to circumstances, other member has been vacated from that post his membership shall be forfeited accordingly at the same time.

(B) Any chief executive of a local government institution member or all the members have been vacated from their posts by the minister through under subsection (1) shall not be suitable to be selected and appointed as a member of the local government institution again for a period of 5 years from the date of vacating from the post.

9. At an occasion where a chief executive member or all the members have been vacated from their posts by the minister through orders in subsection (I) an new chief executive member or members are selected and appointed in lieu of such vacated chief executive, other member or the members and if such new chief executive, other member or the members are not being vacated from their former post should hold the post for the balance period of the post held by them.

10. In every order made under this subsection shall contain an order required to effect the order while once it is published in the gazette in shall have the power of a charter.

Interpretation

11. In regard to the words in this charter unless another implication is required “Minister” means the minister in charge of the subject of local government in the cabinet of the ministers in provincial council and after dissolving of the provincial council, the governor of the Uva Province “Local Government Institution” means “A Municipal Council”, “An urban council”, or “A Pradeshiya Sabha”. The “chief executive” means “the mayor of a Municipal Council”, “the chairman of an urban council” or else “a Pradeshiya Sabha”. “Member” means the deputy mayor, and the members of the Municipal Council and vice chairman or member of an urban council or Pradeshiya Sabha. “Relevant rule or law” means the Municipapl ordinance or the urban council ordinance or the Pradeshiya Sabha ordinance as relevant according to the circumstances.

In case of implication or discrepancy of words the Sinhala clause shall be enforced.

12. If any implication or discrepancy offers in respect of means of words in Sinhala, Tamil or English of this charter the Sinhala clause shall be enforced.

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