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EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCIAL COUNCIL

North Western Provincial Council Agriculture Statute No. 02 of 2012 of the North Western Province

THE above mentioned Statute passed by the Provincial Council of the North Western Province on 05th June, 2012 and assented by the Governor of North Western Province on 02nd July, 2012 is hereby published for the information of the public.

Council Office,
North Western Provincial Council,
Kurunegala,
06th August, 2012.

PADMINI KARIYAWASAM,
Secretary,
Provincial Council,
North Western Province.

**NORTH WESTERN PROVINCIAL AGRICULTURE STATUTE No. 02 OF 2012 OF THE
NORTH WESTERN PROVINCIAL COUNCIL**

A Statute to provide for the formulation, implementation and operation of policies in relation to the Agriculture including extension and promotion of and education on agriculture and agricultural services and to the agricultural researches (excluding the institutes designated as National Agricultural Research Institutes) in order to achieve the objects of the provincial agricultural policy for the sustainable development in the North Western Province and for the matters incidental thereto.

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

1. This Statute may be cited as the North Western Provincial Agricultural Statute No. 02 of 2012 of the North Western Provincial Council.

Short title and
date of
operation.

2. The objects of the Statute are as follows :

Objects of the
Statue.

- (i) to design, formulate, implement and operate the agricultural policy of the province in compliance with the national policy ;
- (ii) to provide for the design and maintenance of programmes for the Provincial Agricultural including extension and promotion of and education on agriculture and agricultural services and for the agricultural researches with an view to uplifting the livelihoods of farmers ;

- (iii) to establish the North Western Provincial Department of Agriculture for the purpose of execution of functions enumerated in the Statute ;
- (iv) to establish the Provincial Agriculture Committee ;
- (v) to establish and register voluntary organizations engaged in agricultural activities ;
- (vi) to register other institutions engaged in the field of agriculture ;
- (vii) to coordinate among Public, Semi-Government and Non-Government institutions, voluntary organization and individuals engaged in the field of agriculture and to muster their active participation ;
- (viii) to provide for the promotion, conservation and propagation of local and traditional agricultural practices and resources inherent to North Western Province ;
- (ix) to encourage farmers to cultivate lands hitherto not used for cultivation ; and
- (x) to provide for the proper utilization of physical and human resources the North Western Provincial Department of Agriculture.

Part I

POLICY PLANNING

Agriculture policies to be made.

3. The provincial Ministry shall be assigned the responsibility of making policies in compliance with the National policy relevant to the field of agriculture in the North Western province. The provincial Ministry may obtain proposals from Agriculture Committees to be established in the province and from the public, Semi - government, non - government institutions and individuals for the purpose.

Provincial Agricultural Plan.

4. The Provincial Director of Agriculture shall in every five years formulate the Provincial Agriculture Policy on the basis of the dissemination of population as against the land extent of the province.

5. The Provincial Ministry and the Department of Agriculture shall in pursuance of the provisions of this Statute, provide the farmers in the province with services in the fields of extension, promotion of and education on agriculture, marketing and coordination in marketing of agricultural products and of provincial research activities.

6. Agricultural Zones and Agriculture Extension Divisions may be demarcated depending on the dissemination of population, extent of lands, climatic conditions, environmental impacts and transport facilities in the province.

7. The North Western Provincial Minister -In-Charge of the subject of Agriculture may make regulations, issue instructions and provide guidance for the purpose of giving effect to the provisions of this Statute.

Appeals.

8. (1) Appeals from any order or determination of any official made under the provisions of this Statute or under any regulation made there under may be made to the Minister.

(2) The Minister may confirm, reject or revise such order or determination on the recommendation made upon an inquiry in that regard by an official or a board of inquiry appointed for the purpose by the Secretary on the direction of the Minister.

Powers of the secretary.

9. The Secretary shall formulate, implement, operate and control the Provincial Agricultural Policy on the instructions and guidance issued by the Minister for the purpose of giving effect to provisions of this Statute.

Part II

COMPOSITION, POWERS AND FUNCTIONS OF THE PROVINCIAL DEPARTMENT OF AGRICULTURE

10. There shall be established the North Western Provincial Department of Agriculture for the purpose of giving effect to provisions of this Statute. Establishment of the Department.
11. The Governor of the North Western Province shall with the concurrence of the Minister, appoint a Class I officer of the Sri Lanka Agricultural Service to the post of “North Western Provincial Director of Agriculture” to execute the powers vested in the Department. Director to be appointed.
12. (1) There shall be appointed Deputy Directors, Assistant Directors, Agriculture Instructors, Rural Level Extension Officers and other officers to the staff of the Department as may be necessary for the execution and management of the powers and functions of the Directors. Appointment of officers.
 - (2) All officers and employees who held posts in the North Western Provincial Department of Agriculture on the date this Statute coming into effect, shall be deemed as appointed under this Statute.
13. (1) The Director shall be vested with the powers to execute orders and regulations made for the purpose of this Statute or for the matters incidental thereto under the normal direction of the Director. Powers of the North Western Provincial Director of Agriculture.
 - (2) The Director may delegate his powers to other officers of the Department as may be required.
14. There shall be established and maintained Zonal Agro Resource Centres and Agriculture Instructor's offices for the promotion of agricultural activities at agro climatic zones. Zonal and Instructor's offices to be established.
15. There may be established a Education and Training Division or Unit for the promotion of education on agriculture. Training Units to be established.
16. There may be established and maintained institutions for research work as may be necessary for the province other than those institutions designated as National Agriculture Research Institutions. Research institutions to be established.
17. The Director shall prepare annually a Development Plan for the development of agricultural institutions and for the promotion of agricultural activities within the province based on the Provincial Agricultural Plan and submit same to the Secretary for approval. Annual Plan.
18. The Department shall provide following services for the development, promotion and extension of agriculture within the province : Functions of the Department.
 - (i) to provide consultations on agriculture extension and training ;
 - (ii) to conduct provincial agricultural research and surveys ;
 - (iii) to formulate and implement Agricultural Development Plan for the province and annual plans ;
 - (iv) to coordinate among research institutes, universities and other institutes in the field of agriculture at national, provincial and divisional levels ;
 - (v) to introduce appropriate technology for agricultural activities ;
 - (vi) to introduce and sale of high quality seeds and seedlings ;

- (vii) to introduce organic and chemical manure, agro chemicals and agricultural machinery ;
- (viii) to register voluntary organizations engaged in agriculture ;
- (ix) to implement projects to grant loans for agricultural activities ;
- (x) to take action to revitalize agriculture through agriculture development societies, farmer women societies, young farmer young societies and through the school system ;
- (xi) to implement plans so as to achieve provincial food and nutrition security targets ;
- (xii) to maintain data bases on agricultural programmes implemented in the province and provide such data to institutions which require them ;
- (xiii) to maintain the quality of agro products and to take measures to extend the post harvest technology ;
- (xiv) to introduce, promote and market organic products ;
- (xv) to register at provincial level organic manure producing institutions and to issue quality certificates ;
- (xvi) to maintain a service to certificate seeds and culture matter in order to meet the demand for seeds and culture matter in the province in pursuance of the National Policy ;
- (xvii) to issue crop damage valuation reports and submit estimates ;
- (xviii) to advise on the use of pesticides ; and
- (xix) to provide for the conservation and extension of domestic and traditional agricultural practices.

Part III

PROVINCIAL AGRICULTURE COMMITTEE

Provincial
Agriculture
Committee.

19. There shall be established a Provincial Agriculture Committee to facilitate the implementation of the Provincial Agriculture Policy. The Provincial Minister in-charge of the subject of Agriculture shall be the Chairman of the Committee and the Secretary to the Provincial Ministry of the Provincial Minister in-charge of the subject of Agriculture shall be the Secretary to this Committee. The Committee may function in collaboration with the Provincial Animal production and Development Committee.

Composition of
the Committee.

20. (I) The Committee shall consist of the following :

- (i) Members of the Consultative Committee of the Provincial Ministry of Agriculture ;
- (ii) District Secretaries of the Administrative Districts of Kurunegala and Puttalam ;
- (iii) North Western Provincial Director of Agriculture ;
- (iv) North Western Provincial Director of Animal Production and Animal Health ;
- (v) North Western Provincial Commissioner of Lands ;
- (vi) North Western Provincial Director of Engineering ;
- (vii) North Western Provincial Director of Health ;
- (viii) Deputy Inspector Generals of Police Kurunegala and Puttalam ;

- (ix) North Western Provincial Director of Irrigation ;
- (x) Deputy or Assistant Commissioners of Agrarian Services of the districts of Kurunegala and Puttlam ;
- (xi) General Manager, North Western Human Resources Development Authority ;
- (xii) General Manager, North Western Development Authority ;
- (xiii) Director, North Western Provincial Environment Authority ;
- (xiv) Heads of projects implemented within the North Western Province by Government, semi-government or private sector institutions in the fields of agriculture, animal production and irrigation ;
- (xv) Assistant Directors of Export Agriculture of the districts of Kurunegala and Puttlam ;
- (xvi) Regional Managers of the North Western Provincial Coconut Cultivation Board ;
- (xvii) North Western Provincial Manager of the Cashew Corporation ;
- (xviii) Kurunegala and Puttlam District Heads of the National Aquaculture Development Authority ;
- (xix) Kurunegala and Puttlam District Managers of the Agriculture and Agrarian Services Insurance Board ;
- (xx) Kurunegala and Puttlam District Forest Conservation Officers ;
- (xxi) North Western Provincial Assistant Director of Wildlife ;
- (xxii) Three Assistant Directors In-charge of Zones nominated by the Provincial Director of Agriculture as may be necessary ;
- (xxiii) Provincial Manager of the Paddy Marketing Board ;
- (xxiv) Kurunegala and Puttlam District Heads of the National Fertilizer Secretariat ;
- (xxv) Regional Managers of State Banks or their nominees ;
- (xxvi) Kurunegala and Puttlam District Heads of Private Banks ;
- (xxvii) Provincial or District Heads of major companies engaged in agriculture ;
- (xxviii) Two experts with specialized knowledge in the field of agriculture ;
- (xxix) Two Executive Committee Members of Agrio Product Societies ; and
- (xxx) Two representatives from Executive Committees of Farmer Organizations.

(II) The Minister may co-opt the representatives of Government or Non-Government organizations on to the Agriculture Committee as the case may be.

Appointment of members to the Committee.	21. The Members of the Agriculture Committee referred to under (i) to (xxvi) at sub-paragraph 20(I) of this Statute shall be <i>ex-officio</i> members and the Minister may appoint the other Members referred to under (xxvii) to (xxx) at his discretion.
Term of office of the members.	22. The term of office of the members appointed by the Minister shall be one year.
Vacation of membership.	23. Where a member appointed by the Minister vacates office by expiry of term of office, resignation, removal by the Minister at his discretion, absence from three consecutive meetings or death or insanity, the Minister shall fill the vacancy so created.
Meetings of the Committee.	24. The Provincial Committee shall meet at least once in every two months and if found necessary the Secretary may convey supplementary meetings of the Committee on the direction of the Chairman.
The Quorum.	25. (1) The quorum of the Committee shall be 1/4 of the membership. (2) The existence of vacancies in the Committee shall not hinder the conduct of meetings of the Committee or the making of decisions at such meetings.
Powers and duties of the Committee.	26. The functions of the Provincial Agricultural Committee shall be :- (i) to make and implement recommendations and proposals to make policies relevant to the province regarding matters stipulated in the Statute in compliance with the National Policy ; (ii) to provide necessary advice for the operation and implementation of matters stipulated in the Statute; (iii) to approve the Provincial Agriculture Policy ; (iv) to take follow up actions and to review the implementation of the Provincial Agriculture Policy while providing necessary resources and assistance for same ; (v) to determine the issues that arise in formulating and implementing the agriculture plans for the province ; (vi) to grant prior approval for any programme or project for the extension and promotion of and education on agriculture, provision of services and for researches related to agriculture to be implemented within the province by any institution, organization, foundation, society, project, programme or similar institution individual or group of persons ; (vii) to ensure the optimum utilization of agricultural land for the highest yield.
Procedures and remuneration for participation.	27. (1) The Committee may make procedures for the conduct of business of the meetings of the Committee. (2) The members of the Committee participating in the meetings thereof may be remunerated at such rates as may be approved by the Minister.

Part IV

AGRICULTURAL DEVELOPMENT SOCIETIES

28. There may be set up Agricultural Development Societies bringing the farmers engaged in agricultural activities in the province together and every such society shall be registered with the Department. Setting up and registration of societies.
29. Every society set up under Section 28 of this Statute shall bear the name of Agricultural Development Society and shall be for a specific crop or for a specific development object or objects. Name of the society.
30. The Department shall formulate a common constitution for Agricultural Development Societies and the said constitution shall come into effect from the date it receives the approval of the Minister. The Minister shall have the power to make regulations with regard to Administration and Financial affairs of such societies. Common Constitution.
31. The Agricultural Development Societies may set up executive committees at provincial, zonal and Divisional levels and the Department shall formulate the constitute relating to composition, functions and general provision of such executive committees and the approval of the Provincial Committee shall be obtained therefor. Executive Committees of Agricultural Development Societies.
32. Monies received from State, provincial or non-governmental projects may be utilized to enhance the funds of Agricultural Development Societies. Governmental or Non-governmental financial Assistance.
33. (1) The Director may appoint a liquidator to cancel the registration and to liquidate any registered Agricultural Development Society on any one of or more of following grounds : Cancellation of registration and liquidation.
- (i) the membership declines to less than twelve ;
 - (ii) being defunct for a period exceeding one year ;
 - (iii) has acted contrary to its objects ;
 - (iv) a number of members not less than a quarter (1/4) of the membership making a request to the Director citing that the society has failed to act for the welfare of its members.
- (2) The liquidator appointed under Section 33(1) above shall have the following powers :
- (i) to determine the priority among the creditors of the society ;
 - (ii) to sale properties of the society ;
 - (iii) to settle any claims by or against the society with the approval of the Secretary ;
 - (iv) To distribute assets of the society as required.
- (3) The Liquidation Notice of the liquidator shall be published in a newspaper published in all three languages viz Sinhala, Tamil and English.
- (4) When a society is liquidated, the fund of the society shall be used for the settlement of liquidation expenses in the first instance and thereafter for the settlement of its liabilities. The surplus of funds on liquidation shall be credited to the Provincial Council Fund.

Part V

GENERAL

Approval to obtain for agricultural.

34. Any institution, organization, foundation, society, project, programme or similar institution, individual or group of persons shall prior to implement any programme or project for the extension and promotion of and education on agriculture, provision of services and for researches related to agriculture within the province, obtain the approval of the Provincial Agriculture Committee therefor.

Regulations to be published in the Gazette.

35. Every regulation made by the Minister under Section 7 of this Statute shall be published in the *Gazette* and shall come into operation on the date of such publication or on such date as may be specified in such regulation.

Approval of the provincial council for regulations.

36. Every regulation made by the Minister shall as soon as it is convenient after its publication in the *Gazette*, be brought forward before the Provincial Council for approval. Any regulation which is not so approved by the Provincial Council shall be deemed to be rescinded as from the date of disapproval but without prejudices to anything previously made thereunder and a notification of the date on which any such regulation is deemed rescinded shall be published in the *Gazette*.

Offences.

37. Any person who contravenes or fails to comply with or deliberately impedes any provisions of this Statute or any regulation made thereunder shall be guilty of an offence under this Statute.

Power to institute action.

38. Where an offence under this Statute is committed, the Provincial Director or any other officer authorized by him shall have the power to institute action.

Punishments.

39. Any person who commits an offence under this Statute shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding Rs. 20,000.00 or to imprisonment for a term not exceeding 06 months or to both such fine and imprisonment.

Part VI

INTERPRETATION

Interpretation.

40. In this Statute unless the context otherwise requires :-

“Province” means the North Western Province ;

“Provincial Council” means the Provincial Council of the North Western Province ;

“Governor” means the Governor of Provincial Council of the North Western Province ;

“Minister” means the Minister in-charge of the subject of Agriculture of the Provincial Council of the North Western Province ;

“Provincial Ministry” means the Ministry in-charge of the subject of Agriculture of the Provincial Council of the North Western Province ;

“Secretary” means the Secretary of the Ministry in-charge of the subject of Agriculture of the Provincial Council of the North Western Province ;

“Department” means the North Western Provincial Department of Agriculture ;

“Director” means the North Western Provincial Director of Agriculture ;

“Agriculture” means the cultivation and conservation of all useful plants to ensure the foods and nutrition security of the public with or without commercial objects ;

“progression of agriculture” means the improvement of agricultural resources for the optimum yield ;

“extension of Agriculture” means the intervention in providing necessary resources for the introduction and implementation of technical methods designed to optimize the yield of crops for food to farmers and other interested groups and assisting them with such methods ;

“Education on Agriculture” means the provision of necessary knowledge and skills to and the inculcation of attitudes in farmers and other interested groups for the introduction and implementation of technical methods designed to optimize the yield of crops for food and fiber production to them and assisting them with such methods ;

“Agricultural Services” means the provision of material or non material and live or lifeless infrastructure facilities deemed to be necessary for the achievement of anticipated targets of the extension and progression of agriculture for the provincial purposes ;

“Provincial Agricultural Researches” means the experiments (not aimed at building up of basic theories) carried out at provincial level to make recommendations to resolve technical issues and to establish the relevance of technology and recommendations introduced for resolving such issues ;

“Committee” means the North Western Provincial Agriculture Committee ;

“Agriculture Development Society” means a group of farmers joint together for the enhancement of agro products ;

“Federation of Agriculture Organizations” means an entity jointly formed by the Farmer Organizations and Agro Production Societies ;

“Kurunegala” means the Administrative District of Kurunegala ;

and

“Puttlam” means the Administrative District of Puttlam.

41. 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 of inconsistency.