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EXTRAORDINARY

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PART IV (A) – PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

North Western Provincial No. 04 of 2017 of the Rural Development Statute

THE above mentioned Statute passed by the Provincial Council of the North Western Province on 20th June 2017 and assented by the Governor of North Western Province on 27th November 2017 is hereby published for the information of the public.

R. M. R. M. RATNAYAKE,
Council Secretary,
Provincial Council,
North Western Province.

Council Office,
North Western Province Provincial Council.
Kurunegala,
29th November, 2017.





**NORTH WESTERN PROVINCIAL RURAL DEVELOPMENT
STATUTE NO. 04 OF 2017 OF THE NORTH
WESTERN PROVINCIAL COUNCIL**

**MINISTRY OF ROAD, TRANSPORT, CO-OPERATIVE DEVELOPMENT AND TRADE
HOUSING AND CONSTRUCTION, INDUSTRIAL AND RURAL DEVELOPMENT - N.W.P.**

Rural Development Statute No. 04 Of 2017 of the North Western Provincial Council

Long Title

A statute for making provisions to create a self-strengthened rural community in the North Western Province, to transform the village into a flourishing livelihood center, and for the establishment of a Department of Rural Development in the North Western Province and establishment, registration and maintenance of Rural Development Societies, Rural Development Women Societies, Divisional Boards of Authority, District Boards of Authority and Provincial Board of Authority and for the provision of incidental matters thereto.

Be it hereby enacted by the North Western Provincial Council in terms of the provisions of Section 10 of 1st index of 9th Schedule by virtue of powers vested in the Provincial Council under Section 154 g (1) of 13th amendment of Constitution of Democratic Socialist Republic of Sri Lanka.

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| (1) This Statute is cited as Rural Development Statute No. 04 of 2017 of the North Western Provincial Council and shall come into operation from the date of approval by the Hon. Governor of the North Western Province. | short Title and date of operation |
| (2) The objectives of this statute are as follows. | Objectives of the Statute |
| (1) Establishment of Department of Rural Development in the North Western Province for economic, social, cultural and spiritual development of the people of the North Western Province through making provisions for planning, implementation, steering and supervision of programs in order to transform the village into a prosperous livelihood center. | |
| (2) Making provisions for the establishment, registration, supervision of functioning, auditing, disjoining, and liquidation of Rural Development Societies, Rural Development Women Societies, Rural Development Divisional Boards of Authority, Rural Development District Boards of Authority, Rural Development Provincial Boards of Authority. | |

Part 1

Establishment of Provincial Department of Rural Development and structure, powers and duties of the Department

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| (3) A Department cited as the Department of Rural Development for the North Western Province (hereinafter known as the Department) shall be established in order to accomplish the objectives of this statute. | Establishment of the Provincial Department of Rural development |
| (4) This Department shall be an incorporated institute with a continual existence possessing a common seal and it has powers to perform all the activities relating to the subject of rural development, to file and caused to be filed law suits by the name of Department of Rural Development and to give explanations in respect of other legal matters. | The Department is a lawful institute |
| (5) (1) This Department shall consist of a Provincial Director, Assistant Provincial Director, Two District Officers, Rural Development Officers, Development officers and an assistant staff. | Appointment of Officers |
| (2) All the officers and employees those who held posts at the Department of Rural Development on the date of implementation of this statute shall be deemed as the officers appointed under this statute. | |

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| (6) | A class one officer of Sri Lanka Administrative Service shall be appointed as the Director of Rural Development in the North Western Province for executing powers and duties entrusted to the Department by the Hon. Governor of North Western Province by inquiring the Minister in charge of the subject. | Appointment of the Director. |
| (7) | <p>(1) The powers of executing orders and provisions enacted in this statute or incidental matters thereto shall be entrusted on the Provincial Director of Rural Development subject to the supervision of the Secretary to the Ministry of Rural Development.</p> <p>(2) The Director may delegate his powers to other officers in the Department as the case may be.</p> | Powers of Provincial Director. |
| (8) | All the officers appointed for the purpose of this statute shall be deemed as public employees in terms of the definition made under Penal Code. | Public Officers |
| (9) | The functions of the Department of Rural Development in the North Western Province shall be as follows. | Functions of the Department. |
| | <p>(1) Organizing people in order to uplift by self-strength.</p> <p>(2) Planning, implementation, following up and supervision of program for rural development in the province.</p> <p>(3) Improving knowledge, skills and attitudes of the people for Rural Development affairs and planning and implementation of projects and training programs.</p> <p>(4) Establishment, registration, supervision of functioning, auditing, joining, disjoining and liquidation of Rural Development Societies, Rural Development Women Societies, Rural Development Divisional Boards of Authority, Rural Development District Boards of Authority, Rural Development Provincial Boards of Authority.</p> | |
| (10) | Powers of the Department of Rural Development | |
| | <p>(1) Supervision of functioning, checking accounts and carrying out investigation of Rural Development Societies, Rural Development Women Societies, Rural Development Divisional Boards of Authority, Rural Development District Boards of Authority, Rural Development Provincial Boards of Authority.</p> <p>(2) Checking required documents and obtaining information for that purpose may be executed by Director of Rural Development or an officer authorized by the Director of Rural Development.</p> | Powers of the Department. |

Part II

Establishment, registration, supervision, functioning, auditing, joining, dissolution and liquidation of Rural Development Societies, Women Rural Development Societies, Rural Development Divisional Boards of Authority, Rural Development District Boards of Authority, Rural Development Provincial Boards of Authority.

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| (11) | (1) In order to improve economic, social and cultural development of the community in the North Western Province, in every village or Grama Niladhari Division a Rural Development Society or Women Rural Development Society or Both societies may be established and in a Women Rural Development Society, only women shall hold membership. Every such society shall be registered under the Department. | Establishment of Rural Development Societies and Rural Development Women Societies. |
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- (2) The minimum age limit shall be 18 years of age and the maximum age limit shall be 70 years of age in order to get the membership of so established society and a minimum of 21 members are required to establish a society.
- (3) The official tenure of the societies established under the above Sub Section (1) of section 11 shall be a period of one year from the date of establishment of the society. An annual election shall be held within a period of one month from the date of termination of official term.
- (12) Every Women Rural Development Society established under aforesaid Section 11 and Rural Development Societies and Rural Development Women Societies already initiated when this statute came in to operation shall be registered at the department of Rural Development in the manner stipulated in the orders enacted by the Minister in charge of the subject in the North Western Province. Registration of Societies
- (13) (1) Rural Development Societies, Rural Development Women Societies those not meet the standards stipulated in the orders enacted under Section 12 of this statute shall not be qualified for registration. (2) Such disqualification for registration should be informed to the applicant concerned by the Director during 45 days from the date of receipt of duly perfected application. Disqualification for registration
- (14) The area of authority of a society shall not be larger than a Grama Niladhari Division and not smaller than a village. Provided that, several societies may be established in one village in respect of a Gam Godella, tract or an estate unit which has a distinctive geographical identity in the same village. Area of authority of the society
- (15) Only one category of society may be established in each area of authority of society. Limitation of the area of authority for only one society
- (16) The functions of Rural Development Societies of Rural Development Women Societies are as follows. Functions of a Rural Development Society and Rural Development Women society
 - (1) Regular implementation of development programs required to create a better society by improving economic and social status of the community living in the area of authority of North Western Provincial Council through Rural Development Women Societies.
 - (2) Implementation of religious programs, enhancing literature affairs, improving sports activities and conducting Shramadana Campaigns for creating morality and collaboration of the members and community living in the area of authority.
 - (3) Implementation of awareness programs and training programs in order to enhance the knowledge, attitudes and skills of village community by prioritizing human resource development.
 - (4) Contribute to develop rural infra- structure facilities.
 - (5) Practicing the management of family income and expenditure with the purpose of building a conducive environment for enhancing the living standard of the society members.
 - (6) Building funds in order to achieve goals and objectives of the society.
 - (7) Maintaining books and documents required for keeping appropriate and regular accounts

for income and expenditure of society funds.

(8) Functioning to maintain welfare activities of the society members.

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| (17) | Registration of Rural Development Societies and Rural Development Women Societies those executed contrary to the provisions of this statute and not comply with the terms and standards of the orders and remain defunct shall be cancelled. | Cancellation of registration of Rural Development Boards of Authority |
| (18) | All the properties of society where the registration is so cancelled shall be entrusted to the Ministry of Rural Development. The Secretary to the Ministry shall make necessary provisions to authorize an officer to take over and protect such property on behalf of the Ministry. | Property of cancelled societies |
| (19) | Appeals made in respect of cancellation or rejection of registration in terms of the standards set out in Section 12 and Section 13 of this statute shall be submitted to the Secretary to the Ministry of Rural Development within 90 days from the date of information of rejection of cancellation of registration. The decision of the Minister in charge of the subject in regard to appeals shall be final and conclusive. | Powers of appeals |
| (20) | In case where there are several societies of the same category in one area of authority such societies may be joined according to the decision of the Director. Funds of the societies shall be credited to one general account. | Joining societies |
| (21) | A Rural development Society, a Rural Development Women Society could be disjointed on a decision made by the Director. The properties of such societies shall be divided as the manner decided by the Director by inquiring the General Council. | Disjoining of Societies |
| (22) | Rural Development Societies, and Rural Development Women Societies registered under Section 12 of this statute shall be executed under a general constitution as stipulated in the orders made by the Minister in Charge of the subject under this section. | Society constitution |
| (23) | <p>(1) A fund shall be established for each Rural Development Society, a Rural Development Women Society registered under Section 12.</p> <p>(2) Provisions for management of funds shall be made by the Minister in charge of the subject by means of the orders enacted under Section 22.</p> | Society Funds |
| (24) | In case defunct Rural Development Societies and Rural Development Women Societies are incapable to be reorganized such societies shall be dissolved. The funds of the societies shall be credited to a liquidation account under the purview of the Director. | Dissolution of societies |

Part III

Registration and maintenance of Rural Development Divisional Boards of Authority, District Boards of Authority, Provincial Boards of Authority

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| 25. | A Rural Development Divisional Board of Authority shall be established in every Divisional Secretariat Division and such board of Authority shall consist of Chairmen, Secretaries and Treasurers of Rural Development Societies, Rural Development Women Societies established within the Divisional Secretariat Division. | Establishment of Divisional Boards of Authority |
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26. The Chairman, Secretary and Treasurer of the Rural Development Divisional Board of Authority shall be appointed from among the chairmen, secretaries, and treasurers of Rural Development Societies and Women Rural Development Societies and the Rural Development Officer of the Division shall be ex - officio appointed as the Instructor of the Divisional Board of Authority. The Divisional Secretary of Division shall be ex-officio appointed as the advisor of the Divisional Board of Authority. Structure of the Rural Development Divisional Board of Authority
27. Functions of the Divisional Boards of Authority
 - (1) Guiding to achieve objectives of Rural Development Societies through preparing programs for the enhancing Rural Development Societies and Women Rural Development Women Societies. Functions of Rural Development Divisional Boards of Authority
 - (2) Coordinating Rural Development District Boards of Authority and Provincial Boards of Authority.
 - (3) Assisting the Rural Development Officer to prepare a joint Rural Development Plan for the Divisional Secretariat Division in accordance with the instructions given by the Director.
 - (4) Building better connection among Rural Development Societies and Rural Development Women Societies and preparing programs for increasing society funds.
 - (5) Performing a preceding mission of empowering the community of the area of authority towards development process.
28. District Boards of Authority are established through the representation of Chairmen, Secretaries and Treasurers of Rural Development Divisional Boards of Authority. Establishment of District Boards of Authority
29. Chairman, Secretary and Treasurer of the District Board of Authority shall be appointed from among the members of the Divisional Boards of Authority and District Rural Development Officer shall be the ex officio appointed as the Instructor. The Provincial Director of Rural Development shall be ex officio appointed as the Advisor. Structure of the Rural Development District Board of Authority
30. Functions of the District Board of Authority
 - (1) Assisting, advising and guiding for the improvement of Rural Development Societies in the District. Functions of Rural Development District Board of Authority
 - (2) Assisting the District Rural Development Officer in formulating the District Rural Development Plan with the association of the rural development plans of Divisional Rural Development Boards of Authority.
 - (3) Providing necessary assistance to implement the rural development plan in collaboration with the other organizations of the district.
 - (4) Representing Provincial Boards of Authority.
31. Provincial Boards of Authority is established with the amalgamation of two District Rural Development Boards of Authority. Establishment of Provincial Rural Development Board of Authority

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| 32. | The chairman, secretary and treasurer of the Provincial Board of Authority shall be elected from among the members of District Boards of Authority and the Director of Rural Development shall be ex-officio appointed as the Instructor and the Secretary to the Ministry of Rural Development shall be the Advisor. | Structure of Rural Development Provincial Board of Authority |
| 33 | Functions of Provincial Boards of Authority | |
| | (1) Providing the necessary assistance for the implementation of Provincial Rural Development Plan. | Functions of the Provincial Rural Development Board of Authority |
| | (2) Identifying special projects required in rural development, assisting for planning and implementation. | |
| | (3) Providing assistance for rural development training activities and research activities of the province. | |
| 34. | (1) Every Board of Authority established under Section 25,28, and 31 shall be registered by the Provincial Director of Rural Development. | Registration, rejection of registration and cancellation of registration of Boards of Authority |
| | (2) Rural Development Boards of Authorities those are not conformity with the criteria stipulated by the orders enacted under this statute are disqualified for registration, and the applicants shall be informed by the Director of Rural Development on that matter. | |
| | (3) Registration of Rural Development boards of Authority those are not functioning contrary to the provisions made under this statute and not compliance with the orders and standards stipulated under this statute and those become inactive may be cancelled. | |
| 35. | Appeals relating to registration rejection and cancellation of Boards of authority shall be submitted to the Secretary to the Ministry of Rural Development within 90 days and the decision of the Minister of Rural Development shall be final and conclusive. | Appealing with regard to the registration, rejection and cancellation of Boards of Authority |
| 36. | Boards of Authority registered under Section 34 of this Statute shall be registered under a general constitution as set out in the orders. | Constitution of Boards of Authority |
| 37. | (1) Every Board of Authority registered shall be able to establish a fund in order to achieve their objectives. | Funds of Boards of Authority |
| | (2) This fund shall be administered by the orders enacted by the Minister in charge of the subject. | |
| 38. | Funds established under the aforesaid sub section 37(1) shall be audited by an internal auditing unit of the Ministry in charge of the subject of Rural Development. | Auditing funds |

Part IV

Offences and Penalties

Offences

39. Any person,
- (1) Who makes a false or incorrect statement deliberately in respect of any report or a document upon a term, or order made or provided for the purpose of this statute or under this statute,

- (2) Who default or reject certain information or any report stipulated by this statute,
 - (3) Who default the orders, notifications of the Director of rural Development , without reasonable grounds,
 - (4) Who interrupt or impede a person authorized in executing or performing any duty or action delegated under this statute or under an order made under this statute, and
 - (5) Who violates, defaults or interrupts execution of any order and provision deliberately of this statute or orders made under this statute shall be a guilty of an offence under this statute
- 40 In case an offense is committed the Director of Rural Development or an officer authorized by the Director of Rural Development shall have the power to sue under this statute. Power of sue
- 41 Every person who commits offense shall convicted at summery inquiry before a Magistrate shall be liable to a fine of a minimum of Ten Thousand Rupees (Rs. 10,000/-) and not exceeding One Lakhs (Rs. 100,000/-) or imprisonment of either description for a period of not exceeding six months (06) or to such fine and imprisonment or the both sentence. Penalties

Part V

General provisions

- 42 (1) The Minister has power to enact orders in respect of matters of this statute
- (2) Every order enacted by the Minister shall be published in the *Gazette* and on completion of 30 days of such publication that shall be immediately submitted to the Provincial Council for approval Enacting orders
- (3) Any order not approved by the Provincial Council shall be considered as rescinded without prejudice to any act previously done under that order.
- (4) The date deemed as the date of rescinding of any order shall be published in the *Gazette*.
- 43 In the event of any inconsistency among Sinhalese and Tamil text of the statute the Sinhalese text shall prevail.
- 44 In this statute, unless the context otherwise requires- in case of inconsistency Sinhala text shall prevail Definition
- “Provincial Council” means the North Western Provincial Council,
- “Governor” means the governor of the North Provincial Council,
- “Minister in Charge of the Subject” means the Minister in charge of the subject of Rural Development,
- “Secretary” means the Secretary to the Minister in charge of the subject of Rural Development of the North Western Provincial Council,
- “Provincial Department of Rural Development” is the Department established for the subject of Rural Development,
- “Director” means the Provincial Director of the Department of Rural Development of the North Western Provincial Council,

“Officer” means the Rural Development Officers, Development Officers (Rural Development), Sewing Instructors, and other officers,

“Rural Development Societies” means Rural Development Societies and Rural Development Women Societies,

“Area of Authority of a Society” shall not be larger than a Grama Niladhari Division,

“Divisional Boards of Authority” means Rural Development Divisional Boards of Authority registered only one for each Divisional Secretariat Division in the North Western Province,

“District Boards of Authority” means District Rural Boards of Authority registered each for the two district of Kurunegala and Puttlam in the North Western Province,

“Provincial Boards of Authority” means North Western Provincial Rural Development Board of Authority registered for the North Western Province,

“Rural Development Boards of Authority” means Rural Development Divisional Boards of Authority, Rural Development District Boards of Authority, Rural Development Provincial Boards of Authority,

“Member” means the in case Rural Development Society members of the area of authority of the society and in case Divisional Boards of Rural Development members representing Rural Development Societies, in case District Boards of Rural Development members representing Divisional Boards of Rural Development and in case Provincial Boards of Rural Development members representing District Boards of Rural Development,

“Constitution” means constitutions approved at Rural Development Societies, Rural Development Women Societies, and at Rural Development Boards of authority established under this statute,

“Orders” means orders made under the provisions of this statute.