

**N.B.**— Tamil version of this *Gazette* is separately printed.

The List of Jurors and Special Jurors (Sinhala and English Medium only) in Balapitiya Judicial Zone has been published in Part VI of this *Gazette* under the same *Gazette* Number and date of publication.

Part II of the *Gazette* No. 1,676 of 15.10.2010 was not published.

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## The Gazette of the Democratic Socialist Republic of Sri Lanka

අංක 1,677 - 2010 ඔක්තෝබර් මස 21 වැනි බ්‍රහස්පතින්දා - 2010.10.21

No. 1,677 - THURSDAY, OCTOBER 21, 2010

(Published by Authority)

### PART IV (A) — PROVINCIAL COUNCILS

*(Separate paging is given to each language of every Part in order that it may be filed separately)*

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#### IMPORTANT NOTICE REGARDING ACCEPTANCE OF NOTICES FOR PUBLICATION IN THE WEEKLY “GAZETTE”

ATTENTION is drawn to the Notification appearing in the 1st week of every month, regarding the latest dates and times of acceptance of Notices for publication in the weekly *Gazettes*, at the end of every weekly *Gazette* of Democratic Socialist Republic of Sri Lanka.

All Notices to be published in the weekly *Gazettes* shall close at 12.00 noon of each Friday, two weeks before the date of publication. All Government Departments, Corporations, Boards, etc. are hereby advised that Notifications fixing closing dates and times of applications in respect of Post-Vacancies, Examinations, Tender Notices and dates and times of Auction Sales, etc. should be prepared by giving adequate time both from the date of despatch of notices to Govt. Press and from the date of publication, thereby enabling those interested in the contents of such notices to actively and positively participate please note that inquiries and complaints made in respect of corrections pertaining to notification will not be entertained after three months from the date of publication.

All notices to be published in the weekly *Gazettes* should reach Government Press two weeks before the date of publication *i.e.* notices for publication in the weekly *Gazette* of 29th October, 2010 should reach Government Press on or before 12.00 noon on 15th October, 2010.

LAKSHMAN GOONEWARDENA,  
Government Printer.

Department of Government Printing,  
Colombo 08,  
January 01, 2010.

## Provincial Council Notifications

### DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA – PROVINCIAL COUNCIL OF THE CENTRAL PROVINCE

#### Draft of the Proposed Rural Development Statute of the Provincial Council of the Central Province

I herewith publish the above proposed draft of the Statute which will be enforced in the Central Provincial Council for public comments.

The Statute will be submitted to the Central Provincial Council for approval after 10 days of this has published. If any comments to be forwarded related to the contents of this Statute, should be forwarded to the below address within 10 days after this notice.

ANUSHIA SIVARAJAH,

Minister,

Ministry of Industries, Sports, Women, Rural  
Development, Estate Infrastructure Development, Hindu  
Cultural, Youth Affairs and Education (Tamil).

P. O. Box 41,  
Gatambe,  
Peradeniya.

#### DRAFT OF THE STATUTE FOR THE CENTRAL PROVINCIAL RURAL DEVELOPMENT STATUTE NO. .... OF 2010

This Draft Statute is to implement activities relevant to Rural Development by virtue of Power vested under No. 10 of List No. 1 in the Appendix Nine of the (Provincial Council List) 13th Amendment to the Constitution of the Democratic Socialist Republic of Sri Lanka such as provisions relevant to establish a Department of Rural Development for the Central Province, registration and conducting Rural Development Societies within the Central Province, registration and conducting Regional Rural Development Council and Provincial Development Council and conducting and making provisions relating to the establishment of Women's Development Centers in the Central Province.

IT IS IMPOSED AS FOLLOWS BY THE PROVINCIAL COUNCIL OF THE CENTRAL PROVINCE OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Name in brief and date of implementation. This Statute will be referred to as the Rural Development Statute No. .... 2010 of the Central Province. And it will come in to effect from the date on which it is approved by the Governor.

#### PART - I

Establishment of a Department of Rural Development. 01. A Department of Rural Development in the Central Provincial Council shall be established to implement the affairs related to the Rural Development.

Appointment of Provincial Director. 02. (i) To achieve the aims stated in this Draft Bill, a Provincial Director of Rural Development shall be appointed to the Department of Rural Development and the officer shall be the Head of this Department, listed from the Sri Lanka Administrative Services.

(ii) The appointment of the Provincial Rural Development Director should be carried out according to the general rural of the recruitment and appointment procedure of Central Provincial Council and should done by the relevant appointed Authority.

Appointment of other officers to the Department and the assignment of duties and responsibilities. 03. To achieve the goals stated in this Draft Bill and to assist the Provincial Director of Rural Development, officers shall be appointed and the officers seconded the duties, responsibilities and power of the Provincial Director.

#### PART - II

#### OBJECTIVES AND ACTIVITIES

Objective and activities of the Department. 04. Take all steps and measures deemed necessary in order to achieve and activate the objective and activities of the Department of Rural Development stated in the Draft Bill and carry out all provisions to affect the following duties of the Department :

- (i) To implement identified programmers for the development of social, economical, cultural and agricultural infrastructures of the rural community.
- (ii) To organize, establish, register, maintain and constitutionally recognize Rural Development Societies, Rural Development Regional Councils, Rural Development District Councils and Rural Development Provincial Councils.
- (iii) To organize, establish and maintain Rural Women's Development Centers.
- (iv) To initiate and start funds for the sake of rural development with the approval of the Provincial Council, when needed.
- (v) To organize, start and maintaining training programmers to empower the rural leadership for community development projects.

PART – III

*RURAL DEVELOPMENT SOCIETIES AND COUNCILS*

05. Consolidated all Rural Development Societies functioning in each Divisional Secretary's Division shall constitute a Rural Development Regional Council in every Divisional Secretary's Division. Consolidated all Regional Development Councils, representing all Rural Development Societies in the District shall constitute a Rural Development District Council. Consolidated Kandy, Matale and Nuwara Eliya District Councils representing all Rural Development Societies functioning in the Province constitute the Rural Development Provincial Council. There shall be four separate constitutions for the Rural Development Societies, Rural Development Regional Councils, Rural Development District Councils and Rural Development Provincial Council, established by this Draft Bill. The said constitutions shall be formulated by the Secretary to the Ministry of Rural Development and shall be approved by the Cabinet of the Central Province, prior to implementation.

Constitutions of  
R. D. S. and  
Councils

06. The responsibilities all matters related and functional areas of the Societies and Councils shall execute in accordance to the Draft Bill.

07. Authority of registration of Rural Development Societies and Regional Councils shall reserve to the Divisional Secretary and registration of District Council and Provincial Councils to the Secretary of the Provincial Rural Development Ministry.

Registration of  
Societies and  
Councils

08. Acting contrary to the constitution being alleged after complains, if a society found guilty with a considerable evidential proof after a formal inquiry, the Divisional Secretary of the respective division shall have the authority to dissolve such Rural Development Societies and Regional Councils. The authority to dissolve such Rural Development District and Provincial Council shall reserve to the Secretary to the Provincial Ministry.

Acting contrary to  
the constitution  
by approved  
Societies and  
Councils

- (i) An appeal against the decision of the Divisional Secretary shall be made within 14 days by the Society, to the Secretary to the Ministry. The Secretary shall give his decision within 30 days and that shall be the final.
  - (ii) The authority to cancel the registration or re-organization of the aforesaid societies or Regional Councils is the Divisional Secretary and in case of Rural Development District and Provincial Council the authority is the Secretary of the Provincial Ministry of Rural Development Ministry respectively.
09. (i) In the event of a Society or a Council being found deficit in funds and properties, the Provincial Director shall take steps to hold a formal inquiry and shall take steps to recover the value of such shortage or deficit.
- (ii) The Provincial Director of Rural Development/the Secretary to the Ministry shall have the authority to take such cases under this Draft Bill before a Court of Law.
- (iii) Although a Chairman, Secretary or a Treasurer of a Rural Development Society, Regional Council or a District Council had left such post, they are responsible for a financial or property frauds

Action against  
malpractice and  
corruption of the  
Societies and  
Councils

incurred during their period of term. In case of a sudden death of a person who held such post, the deficit can be recovered from a person who is entitled for the deceased property.

#### PART – IV

##### GENERAL PROVISIONS

Imposing  
regulations  
relating to the  
Draft Bill

10. The subject Minister shall have the authority to take step to institute regulations as and when necessary to enable to implement the aims and objects stated in the Draft Bill.

Regulations come in  
to force

11. All the regulations instituted under Para. 10 shall come in to effect on the date stipulated therein by the Minister.

The Sinhala  
Language text  
shall be valid

12. In the event of any discrepancy found among the Sinhala, Tamil and English texts, the text in Sinhala shall be treated final.

#### PART – V

##### INTERPRETATION

Interpretation

13. (i) Governor : Means Governor of the Central Province.
- (ii) Minister : Means the Provincial Minister in charge of Rural Development subject of the Central Provincial Council.
- (iii) Secretary to the Ministry : Means the Secretary to the Ministry in charge of Rural Development in the Central Provincial Council.
- (iv) Provincial Director : Means Rural Development Director of the Central Provincial Council or the person authorized by him.
- (v) Divisional Secretary : Means a Divisional Secretary in charge of a Divisional Secretary Division in the Central Province or a person authorized by him.
- (vi) Societies : Means Rural Development Societies functioning in the Central Province.
- (vii) Councils : Means Regional Councils for Rural Development, District Councils for Rural Development, Provincial Council for Rural Development in the Central Province.
- (viii) Properties : Means all properties belonging to Rural Development Societies or Rural Development Councils such as account books, documents, cash in hand, cash at bank, furniture and fittings, buildings, land and other moveable and immovable properties.

10-717

### DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA—UVA PROVINCE PROVINCIAL COUNCIL

#### Draft of the Proposed Co-operative Employees Commission Statute of Uva Province Provincial Council

I herewith publish the above proposed draft of Statute which will be enforced in the Uva Provincial Council for public comments.

The Statute will be submitted to the Uva Provincial Council for the approval after 10 days of this has published. If any comments to be forwarded related to the contents of this statute should be forwarded to the below address within 10 days after this notice.

R. M. KUMARASIRI RATHNAYAKA,  
Minister,

Ministry of Road Development, Water Supply, Consumer Affairs and  
Co-operative and Food Supply and Distribution.

No. 301, R. H. Gunawardana Mawatha,  
Badulla,  
05th October, 2010.

UVA PROVINCE PROVINCIAL COUNCIL – DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

DRAFT OF THE PROPOSED CO-OPERATIVE EMPLOYEES COMMISSION STATUTE OF  
UVA PROVINCE PROVINCIAL COUNCIL

It is a duty of Uva Province Provincial Council to provide unbiased and just Co-operative service to the people of Uva Province in accordant to the authorization that provided by the 13th amendment to the constitution of the Democratic Socialist Republic of Sri Lanka, on the objective of establishing a productive and efficient Co-operative movement in the Uva Province, this Statute is aimed to make a special provision in respect of employees of Co-operative Societies, to appoint employees and officers, promoting and dismissing, discipline, paying salaries, administrating and to provide for matters connected therewith and incidental thereto. And this statute inconsistent with to the Co-operative Employees Commission Act, No. 12 of 1972 and the amendment made thereto.

The Uva Province Provincial Council of Democratic Socialist Republic of Sri Lanka binding upon to develop the social and economic status of the People of Uva Province through the efficient, productive and trustful co-operative movement ; Preamble

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

1. This Statute known as the Co-operative Employees Commission Statute of Uva Province Provincial Council. Short title
2. This Statute shall come into operation on the date approved or a set date by the Governor hereinafter known as the “Governor” of the Uva Province. Date of operation

PART I

ESTABLISHMENT OF CO-OPERATIVE EMPLOYEES COMMISSION OF UVA PROVINCE AND ITS POWERS AND FUNCTIONS

3. For the purpose of this Statute, Co-operative Employees Commission of Uva Province hereinafter called and known as the “Commission” shall be established. Establishment of Co-operative employees' Commission of Uva Province
4. The commission shall be an incorporated with perpetual succession and a common seal and may and be sued of holding power to do the necessary things what consists in this Statute. To be incorporated
5. (1) The Commission shall be consists Three members appointed by the Minister, hereinafter known as “Minister” that who related to subject of Co-operative of Uva Province Provincial Council. Incorporation of the commission
- (2) If anyone –
  - (a) An present employee or past employee of the Co-operative Society ; or
  - (b) A person who is a member of anybody or persons which, in the opinion of the minister, in a staff association, or trade union, which has its own objects or one of its objects, the regulation of salaries, wages or conditions of service of any category of persons employed by Co-operative Societies ; or
  - (c) A person who is a present or past officer of a Co-operative Society according to the law relating to the Co-operative Societies ; or
  - (d) A person who is barmy or bankrupted or who has been verdict as guilty by a Criminal Code or Bribery Code in a Court ;
  - (e) A person who is a member of parliament at present or member of a Provincial Council or a member of a Local Government Institute ; or
  - (f) A person who appeared or appearing as a representative of law relating matters or inspecting discipline or appeal for a Co-operative Society or Co-operative Employee ; or
  - (g) A person who works in the Ministry or Department associated with the subject of co-operative,

Shouldn't be appointed as a member of the commission and inept to involve in activities further more.

- (3) The two members who are to be selected for the Co-operative Employees Commission should be retired and who borne staff grade in the Provincial Public Service. Also one has to be a professional in the Co-operative Sector.
6. (1) Each member of the commission shall hold their post for a period of three years or until the consent of the minister. Term of office of members

	<p>(2) A member or all the members of the Commission may at anytime to be removed from office by the minister.</p> <p>(3) Provided further that any person who is appointed to fill any vacancy caused by the death, found disqualified according to the Sub-clause of 5(2) and removed, resignation, vacation of officer, any such member vacates office earlier, hold office during a period equal to the unexpired portion of the term of office of the member in whose place he is appointed and no longer.</p> <p>(4) A former member of the Commission could be appointed as a member again.</p>
Chairman and conduct of business	<p>7. (1) The Minister shall appoint one of the members of the commission to be its Chairman. The Chairman shall preside at all the meetings of the commission at he is present. In the absence of the Chairman from any meeting of the commission any member chosen by those present may preside thereat.</p> <p>(2) Two members shall constitute the quorum for a meeting of the Commission.</p> <p>(3) If at any meeting only two members of the Commission are present and such members are divided in opinion as to the decision to be taken on any question, such question shall be referred to a meeting at which the three members of the commission are present.</p> <p>(4) If at any meeting, at which the three members of the commission are present, the members of the commission divided in opinion as to the decision to be given on any question, such question shall be decided according to the opinion of the majority of the members present, but if the members are equally divided, then the Chairman shall have a casting vote.</p> <p>(5) Any act or proceeding of the commission shall not be invalid by the reasons of the existence of a vacancy among its members or any defect in the appointment of any of its members or shall not deemed as invalidated.</p> <p>(6) The commission may regulate its own procedure in any matter not provided for in this Statute or any regulation made there under.</p>
Remuneration of members	<p>8. The Chairman and Members of the Commission shall be paid such remuneration and such allowances as may be determined by the minister, in consultation with the Minister of Finance of Uva Province Provincial Council.</p>
Secretary and other officers	<p>9. (1) There shall be a Secretary to the Commission who shall be a Member of Sri Lanka Administrative Service borne minimum Class II seniority.</p> <p>(2) The other members of the staff of the commission shall be appointed from the transferable services of the Provincial Public Service.</p>
Taking of oaths by members and officers of the commission	<p>10. (1) The Chairman and members, who are appointed shall take an oath or affirmation before the High Court Judge of Uva Province according to the Schedule No. 01 of this Statute, prior to be assigned the respected duty.</p> <p>(2) The secretary and the other officers of the Commission as may be required to take oath or affirmation before the Chairman of the Commission according to the Schedule No. 02 of this Statute.</p>
Powers of the commission	<p>11. The commission shall have the following powers :–</p> <p>(1) Determines all matters relating to methods of recruitment and relevant conditions of promotion and regulating the procedure of the principles ;</p> <p>(2) Conduct examinations for recruitment when necessary and appoint Boards of Examiners for the purpose and determine fees for the examination as such ;</p>

- (3) Determines the qualifications necessary for appointment, fix the scales of salaries to be attached to any such post or posts in any class or grade, revise or adjust such scales of salaries from time to time in consultation with the commissioner ;
  - (4) To require co-operative societies to pay salaries in accordance with the salary scales fixed by the commission for any post or posts in any class or grade ;
  - (5) Determines the procedures to be followed by Co-operative societies in exercising their rights of disciplinary action against their employees, to call upon any Co-operative society to complete disciplinary inquiries against its employees within a time stipulated by the commission ;
  - (6) Inquires the appeals that what raised on disciplinary action of any Co-operative Society ;
  - (7) Determines that what kind of records of their employees should be kept by the Co-operative society ;
  - (8) To be called upon any Co-operative society to furnish or forward before a specified date such files, other documents or information as the commission may require in respect of any employee of the society ;
  - (9) A panel or panels of officers shall be nominated to make inquiries as are necessary on appeals that referred by the commission to such panel or panels and to report thereon to the commission ;
  - (10) When any employee forwarded an appeal against the order of any society on disciplinary matter, the commission may give orders to the society to change decision, liberal, cancel another decision instead, ordered to have another inquiry, reinstatement and ordered to enforce the instruction as mentioned on such date or prior date ;
  - (11) To determine the general principles in accordance with which gratuity or other benefits may be granted to employees on the termination of their services ;
  - (12) To determine to an appellant to deposit a sum of rupees through the regulation of the minister and deposit to be remained after the inspection of the appeal or making decision to pay back ;
  - (13) To advise the minister, in consultation with the commissioner, in the exemption of any co-operative society or class of co-operative societies from the operation of this statute ;
  - (14) To exercise such other powers in relation to Co-operative societies and their employees as may be vested to the commission by order made by the Minister and published in the *Gazette* after the approval of the Provincial Council ;
  - (15) In the exercise of the powers vested to the commission by Sub-sections (6) and (12) above, the commission may modify, vary or revise or set aside any decisions or orders made by the commission ;
12. The expenses of the commission shall be paid out of the money provided for the purpose by the Provincial Council annually. Financial Provisions
13. (1) A fund may be established by the deposit of appellants. The deposits mentioned in the Sub-section (12) of Section 11 could be credited to the said above fund. The management of the fund shall be possessed by the commission. Establishing Fund
- (2) A syntax shall be made and shall be approved by the minister to control this fund.

## PART II

### CO-OPERATIVE SOCIETIES AND THEIR EMPLOYEES

14. A co-operative society which for the time being pays out of its funds the salary and other emoluments of any employee shall be deemed to be employer of such employee. The Co-operative Society shall be an employer

Emoluments of employees	15. All the Co-operative societies shall be paid the salary and other emoluments of employees from their fund.
Direction of Commission to be binding upon the co-operative societies and their employees	16. Any Co-operative society, and any employee of such society, shall be subjected to such directions as may be given by the commission under this statute, and all decisions of the Commission in the discharge and exercise of its functions and powers under this statute subject to the provisions of Sub-section (15) of Section 11 shall be the final, and shall be binding on all such Co-operative societies as are not exempted from the operation of this Statute.
The co-operative employees of the Co-operative binding upon with the order of the Commission	17. All directions given by the commission in regard to any employee of any Co-operative society, subject to the provisions of Sub-section (15) of Section 11 shall be final and binding upon such employee as if such directions were given by such society.
Ratifying the implementation of activities on date and prior of this statute	18. (1) The method of determined wages and service regulations including all grading. (2) All sort of regulations or orders released to accomplish the act of Co-operative Employees Commission No. 12 of 1972. (3) All kind of appeals accepted and commenced to inquire and all appeals that have made orders after completion of inquires. (4) All enacted regulations and released provisions of the circulars. (5) All the appointments and promotions done – on the date of establishing the Uva Provincial Co-operative Employees Commission under this statute or prior by the Co-operative Employees Commission established under the Co-operative Employees Commission Act, No. 12 of 1972 and amendments thereto or by the Provincial Co-operative Employees Commission appointed by the Uva Provincial Co-operative Minister and by him under the Provincial Councils (Consequential) Act, No. 12 of 1989, or by Uva Provincial Co-operative Employees Commission established under the Uva Provincial Co-operative Societies and Co-operative Employees Commission Statute No. 05 of 1991 approved by the Governor of Uva Province, shall be enacted with legal power as enacted under this statute.
Residential qualification	19. Only that who resides permanently more than two years in the Uva Province shall be selected for any posts in the Co-operative society. However according to the opinion of the commission, if there wasn't a qualified person in the Uva Province to be filled such vacant, the Co-operative society has the power to appoint a qualified person under the regulation of the Minister and after notifying to the commission and on approval.
Scales of salary of employee to be determined according to grading of a co-operative society and grade and class of employees	20. Who ever appointed for the post of any Co-operative society, the salary shall be paid in accordant the post selected. And has to be decided according to the grade of the society and the grade and the class of employees, as describe in the Sub-section 25(1) below.
Secondment from the Uva Provincial Public Service	21. What so ever mentioned in the provisions of this statute, the commission could appoint an officer as secondment from the Provincial Public Service to a post of a society with the concurrence of the appointing authority and consent of relevant officer and society under the determined time frame, order and subject of the regulation of the commission. The appointing officer means that who, has the authority to appoint officers in Public Service in the Uva Province Provincial Council.
Dismissal and punishment of employees of Co-operative societies	22. (1) No employee of a Co-operative society shall be dismissed or otherwise punished by any Co-operative society except in accordance with the provisions of this statute or any regulations made there under. (2) Nothing in the preceding provisions of this section shall be deemed to render it unlawful for any Co-operative society to commence proceedings in accordance with such provisions, or to continue and complete as far as possible in accordance with such provisions any proceedings pending on the date of establishment of the commission against any of its employees in respect of any



misconduct of discipline or other cause of complaint which may have occurred or arisen before such date.

- (3) If any employee submitted any appeal as that he or she has been punished by any co-operative society except regular proceedings and the legal action lead to pay the compensation, arrears or penalty or other, the committee, chairman including the Directors of the society who involved in making decision of penalizing are binding upon to replenish individually or united. The money could be charged according to the statute of Uva Provincial Co-operative society.

23. (1) Regulation ;

Regulations relating to employees

(a) In respect of the recruitment, appointment, promotion, transfer, resignation and termination of services of employees of Co-operative societies.

(b) Prescribing such terms and conditions of employment of such employees and providing for salary scales, the payment of allowances and gratuities, the grant of advances, promotion, leave, the interdiction of officers, the termination of appointments, dismissals or the imposition of any other form of punishment to such employees and other form of punishment to such employees and any appeal there from and,

(c) In respect of such other matters are deemed necessary,

May be made by the Minister,

- (2) All Co-operative societies and employees of them are binding upon with all regulations enacted related to the Sub-section (1) above.

24. (1) Every Co-operative Society shall,

Duties of Co-operative society in respect of its employees

(a) Keep and maintain in respect of its employees the prescribed registers or records and enter therein all such particulars relating to each such employee as may be prescribed which could be determined by the commission.

(b) Furnish to the commission such returns or reports relating to its employees as may be prescribed or such information as the commission may from time to time require.

(c) Permit any member or servant of the commission authorized or an approval of the Secretary of Uva Co-operative employees commission, an officer of Co-operative Development Department that who had pre approval of the Co-operative Commissioner, in that behalf to enter any of its offices and to inspect and take copies of any books, accounts, records or other document kept therein.

PART III

POWERS OF THE COMMISSIONER

25. (1) The commissioner shall have the power to grade each Co-operative society for the purpose of fixing scales of salaries for posts in Co-operative societies and to determine the grades or classes of employees and the number of employees in each such grade or class of any Co-operative society and vary it as he may deem necessary, from time to time.

Commissioner to grade societies and determine staff

- (2) No Co-operative society shall employ any person in contravention of the determination made by the Commissioner under Sub-section (1).

26. The Commission shall, with the concurrence of the Commissioner, determine the qualifications necessary for appointment to any post in Co-operative societies, fix the scales of salary to be attached to any such post or posts in any class or grade and revise such scales of salaries from time to time.

The Commission to secure the concurrence of the commissioner regarding qualifications, salary, scales, etc

## PART IV

## MISCELLANEOUS

Removal of  
Difficulties

27. (1) If in giving effect to the provisions of this statute any doubt or difficulty arises in respect of any matter or question for which no provision or no effective provision is made by this statute, the minister may, by order, remove or determine such doubt or difficulty. Every such order shall be published in the *Gazette* and upon such publication shall have the force of law and be as valid and effectual as if it were herein enacted.
- (2) The commission has the power to make any necessary provision on any matter which are not covered by making the above respected procedure.

Minister enacts  
regulations

28. (1) Unless otherwise expressly provided, the commission may make all such regulations as seem to the commission to be necessary for carrying out the provisions of this statute or giving effect to the principles thereof, including regulations for all matters for or in respect of which regulations are authorized or required to be made this statute and all matters stated or required by this statute to be prescribed.
- (2) No such regulation shall have effect until it has been approved by the Minister and notification of such approval has been published in the *Gazette*. And it shall be enforced on the date of published or the date after ordered to be determined.
- (3) All orders made under Sub-section (1) to be submitted to the Uva Provincial Council for approval as soon as possible after it was published in the *Gazette*. The orders such not approved, considered as rescinded and it wasn't caused any harm to the previous what has done under it from the date of order and the date considered as rescinded shall be notified by a *Gazette* notice.

Legal protection.

29. No action, prosecution or other proceedings whether civil or criminal shall be instituted or maintained against any individual member of the commission in respect of any decision taken or act done or omitted to be done by him in his capacity as such member or by the commission in its corporation capacity.
30. Notwithstanding the provisions of this statute, Co-operative society may in the interests of its efficient operation.
- (1) The services of an expert or a specialist for any defined term on a contractual basis with prior approval of the commission ; or
- (2) Engage casual or daily paid employees or employees paid on a piece rate basis, however that no permanency of tenure of the office shall be granted to such employees without the concurrence of the commission.

Offences.

31. (1) Any co-operative society or any committee any officer or employee thereof ;
- (a) Which or who contravenes the provisions of this statute ; or
- (b) Which or who willfully neglects or refuses or fails to do any act required by the commission to be done, or to furnish any information required for the purposes of this statute by the commission or other duly authorized person ; or
- (c) Which or who willfully makes a false return or furnishes false information ;
- Shall be guilty of an offence under this statute.
- (2) Every Co-operative society or person which or who commits any offence referred to in above subsection (1) shall on conviction after summary trial before a magistrate, be liable to a fine not exceeding Rs. 5,000.
- (3) Where any offence under this statute is committed by a Co-operative society every officer of that society shall be deemed to be guilty of the offence, unless he proved that the offence was

- committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.
- (4) On the conviction of any Co-operative society for failure to carry out any instructions given by the commission as require the reinstatement of any employee, such Co-operative society shall be liable ;
- (a) To pay, in addition to any punishment that may be imposed on such Co-operative society under subsection 31(2), a fine of Rs. 250 each day on which the failure is continued after conviction thereof and ;
- (b) To pay such employee the remuneration which would have been payable to him if he had been in such service on each day and on each day of the period commencing on the date on which he should have been reinstated in service according to the instructions of the Commission and ending on the date of the conviction of such Co-operative society computed at the rate of salary or wages to which he would have been entitled if his services had not been terminated.
- (c) Remuneration or compensation which that commission has been ordered to the Co-operative society to pay and fail to do so, shall be convicted, to be liable to a fine of the commission in addition of the punishment of above subsection (2).
- (d) Any sum which a Co-operative society is liable to pay under Sub-section (b) and (c) above may be recovered on the order of the court by which it was convicted as if it were a fine imposed on it by that court and the amount so recovered shall be paid to the employee.
- (5) No power to be provided through this provision to the magistrate to consider the accuracy or inspect or make decision for about the order of the commission, in such legal action under this provision. Also shall not determine.
32. Every person who, otherwise than in the course of his duty, directly or indirectly, by himself or any other person, in any manner what so ever influences or attempts to influence any decision of the commission or any member thereof, shall be guilty of an offence and shall, on conviction after summary trial before a magistrate, be liable to a fine not exceeding Rs. 5,000 or to imprisonment for a term not exceeding one year or to both such fine and such imprisonment. Interference with the commission
33. No member of this commission, nor the secretary of the commission, or any member of the staff of the commission, nor other persons shall publish or disclose to any person, otherwise than in the exercise of his official functions, the contents of any document, communication or information what so ever which has come to his notice in the course of his duties. Unauthorized disclosure of information prohibited
34. No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the commission or any member or officer there of and any Co-operative society or any member of the committee of management of such society or officer of thereof or between any member or officer of the commission in the exercise of, or in connection with the exercise of any of the functions of the commission unless the, Chairman shall consent in writing to such production or disclosure. Communications of the Commission to be privileged
35. (1) If any requirement forwarded under the provision No. 3(b) of industrial dispute Act, by the employee to the labour tribunal which established under the same Act, the matter or the matter in brief or the appeal what forwarded by the employee shall not be accepted by the commission. Industrial disputes Act relevant to the Co-operative society their employees concern
- (2) If any requirement forwarded by an employee to the commission on any matter under this statute, the employee shall not have power to be forwarded to an authority of labour tribunal which established under industrial disputes Act.
36. The Chairman and all members including all employees of the commission shall be deemed to be public servants within the meaning and for the purpose of the Penal Code. The officers of the Commission should be deemed as Government servant

The Commission  
should be  
Scheduled  
institute of the  
Bribery Act

37. The Commission shall be deemed to be a Scheduled institute within the meaning of the Bribery Act.

Contravenes of this  
statute

38. The activity of below mentioned statutes shall be rescinded, when this statute activated.

(a) Co-operative society and Employees Commission statute, No. 05 of 1991 of Uva Provincial Council.

(b) Co-operative Society and Co-operative Employees Commission (revised) Statute No. 05 of 1992 of Uva Provincial Council.

Sinhala Language  
shall be  
influenced if any  
inconsistency

39. If any textual inconsistency between the Sinhala, Tamil and English of this statute, the textual of Sinhala shall be influenced.

Interpretation

40. In this statute, unless the context otherwise requires :

“Governor” means the Governor of Uva Province.

“Minister” means the subject minister of the Co-operative affairs of Uva Provincial Council.

“Commissioner” means the Commissioner of Co-operative Development of Uva Province and Registrar of Co-operative Societies.

“Co-operative Society” means a society registered under the law relating to Co-operative Societies.

“Committee” assumed Management of a registered Co-operative Society and contemplates the administration of the society and persons appointed by the Director Board of the registered society and Commissioner.

“Officer” means committee Members, Secretaries, Executive Officers, in all occasions, when mentioning about the Co-operative Society.

“Employee” means an employee of a Co-operative Society, who has an appointment of a Co-operative Society and obtaining remunerations, allowances and emoluments and assigned certain duties from the co-operative society.

#### *SCHEDULE No. 01*

Oath or affirmation of member of the Commission under the Sub-section 10(1) of the statute of the Co-operative Employees Commission by the Chairman/Member of the Co-operative Employees Commission of Uva Province.

I, ..... having been appointed the Chairman/a member of the Co-operative Employees Commission do swear/solemnly and sincerely affirm that I will, without fear or favour, affection or ill-will, discharge the functions of the office of Chairman/Member of the Co-operative Employees Commission and that I will not directly or indirectly, reveal any matters relating to such functions to any person otherwise than the course of duty.

\_\_\_\_\_,  
Signature.

Sworn/affirmed before me this ..... day of ..... 20.....

\_\_\_\_\_,  
Judge of the Provincial High Court.

*SCHEDULE No. 02*

Oath or affirmation of member of the Commission under the Sub-section 10(2) of the statute of the Co-operative Employees Commission by the Secretary/Employee of the Co-operative Employees Commission of Uva Province.

I, ..... having been called upon to exercise the functions of the Secretary of/an officer of the Co-operative Employees Commission do swear/solemnly and sincerely affirm that I will not, directly or indirectly, reveal to any person otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which may come to my knowledge in the course of duties as Secretary of/an officer of the Co-operative Employees Commission.

\_\_\_\_\_,  
Signature.

Sworn/affirmed before me this ..... day of ..... 20.....

\_\_\_\_\_,  
Chairman of the Co-operative  
Employees Commission of Uva Province.

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