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PART IV (A) — PROVINCIAL COUNCILS

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

	PAGE		PAGE
Proclamations, &c., by the Governors	...	Posts - Vacant	...
Appointments, &c., by the Governors	...	Examinations, Results of Examinations, &c.	...
Other Appointments &c.	...	Notices calling for Tenders	...
Provincial Councils Notifications	688	Sale of Articles, &c.	...
		Sale of Toll and Other Rents	...
		Miscellaneous Notices	...

Note .— (i) Customs (Amendment) Bill is published as a supplement to the Part II of the *Gazette of the Democratic Socialist Republic of Sri Lanka* of February 22, 2013.

(ii) Nation Building Tax (Amendment) Bill is published as a supplement to the Part II of the *Gazette of the Democratic Socialist Republic of Sri Lanka* of February 22, 2013.

(iii) Muslim Marriage and Divorce (Amendment) Bill is published as a supplement to the Part II of the *Gazette of the Democratic Socialist Republic of Sri Lanka* of February 22, 2013.

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 17th May, 2013 should reach Government Press on or before 12.00 noon on 03rd May, 2013.

P. H. L. V. DE SILVA,
Acting Government Printer.

Department of Government Printing,
Colombo 08,
01st January, 2013.

This Gazette can be downloaded from www.documents.gov.lk

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

Establishing and Regularizing of Community Based Organizations (Water Supply and Environmental Sanitation) Statute No. 1 of 2013 of Provincial Council of North Western Province

THE above mentioned Statute passed by the Provincial Council of the North Western Province on 19th March ,2013 and assented by the Governor of North Western Province on 02 nd April, 2013 is hereby published for the information of the public.

P.B.M.SIRISENA,
Secretary,
Provincial Council,
North Western Province.

Council Officer,
North Western Provincial Council,
Kurunegala,
04th April, 2013.

Establishing and Regularizing of Community Based Organizations (Water Supply and Environmental Sanitation) Statute No. 1 of 2013 of Provincial Council of North Western Province

Preamble A statute on the establishment of Community Based Organizations for the intialization and maintenance of sustainable Water Supply and Environmental Sanitation Projects, the establishment of a Water Supply and Environmental Sanitation unit under the Ministry of Local Government to the direct and formalize such organizations enforcement regulations in the same.

Be it enacted by the Prinvincial Council of North Western Province of the Democratic Socialist Rupublic of Sri Lanka.

Short title and the Date of Operation 1. This statute may be cited as the “Establishing and Rugularizing of Community Based Organizations (Water supply and Environmental Sanitations) Statute No. 01 of 2013 of Provincial Council of North Western Province” and will come into effect from the date of approval by the Governor of North Western Province.

Objectives 2. (1) ensuring the sustainability of the Community Based Organizations that established to provide Water Supply and Environmental Sanitation to the people of the region, and regulating, guiding and administrating the same.

(2) Implementing projects in order to promote Water Supply and Environmental Sanitation for the beneficiaries.

(3) Inclusion of all regional Water Supply and Environmental Sanitation Projects that are being carried out within the Province into a common management Procedure.

(4) Establishment of the North Western Provincial Water Supply and Environmental Unit.

PART 1

**ESTABLISHMENT OF THE NORTH WESTERN PROVINCIAL WATER SUPPLY AND ENVIRONMENTAL SANITATION UNIT, ITS
COMPOSITION AND ADMINISTRATION**

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| 3. | Provincial unit for water supply and environmental sanitation needed for the implementation of this statute and for the fulfillment of the objectives and duties of the Provincial Committee henceforth called “provincial Unit” can be established Under the administration of the secretary of the Provincial Ministry of the subject in-charge of Local Government, | Establishment of the Provincial Unit |
| 4. | <p>(1) As the Director of the Provincial Unit, an officer not less than Grade III of Sri Lanka Administrative Service, should be appointed by the Governor of the Province with the concurrence of the minister in charge of the subject.</p> <p>(2) Regarding the staff needed to perform the duties of the provincial unit, the chief secretary can assign any officer who works in provincial public sector or within the North Western Province.</p> | The Director and the staff of the Provincial Unit |
| 5. | The administration regarding all the activities and the duties are entrusted to the Secretary of Ministry of subject in-charge of Local Government. | The administration of Provincial Unit |
| 6. | According to the above mentioned section 4 an officer who is assigned in the Provincial Unit in addition to his/her permanent post can be paid extra payments or allowances in addition to their salary. | The salaries and incentives of Provincial Unit |

PART II

THE REGISTRATION AND SUPERVISION OF COMMUNITY BASED ORGANIZATIONS

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| 7. | <p>(1) By the time this statute comes into effect, all the community based organizations operating, administering or engaging in any other activities regarding water supply or environmental sanitary projects within the province should get themselves registered by submitting an application before lapse of 3 months to director of provincial unit.</p> <p>(2) All the community based organizations willing to engage in any of the water supply projects or environmental sanitation projects after the date on which this statute comes into effect should submit an application to the director of the provincial unit prior to 14 days of the commencement of the project.</p> <p>(3) The Director of the provincial unit should take steps regarding the application mentioned in the above subsections (1) and (2) within 30 days, by registration or rejection with reasoning. Such rejection will not be a barrier for the re-submission of the application.</p> | The registration of Community Based Organizations |
| 8. | <p>(1) After getting registered, every community based organization should get an annual licence from the provincial unit.</p> <p>(2) A duly completed application should be submitted to the Director of the provincial unit to get the licence. The Director of the provincial unit can ask for the bacterial and chemical assessment report of the particular water source, the audit report of the community based organization or any other relevant report if necessary.</p> <p>(3) By taking into consideration the above reports and other related factors the decision, whether to issue a licence or not, should be made by the Director of the provincial unit.</p> <p>(4) If the licence is not to be issued, it should be informed in writing to the particular community based organization along with the relevant report and proper reasoning by the Director of the provincial unit within a month of time from the date, application is submitted.</p> <p>(5) An appeal can be made to the secretary regarding such a rejected application within one month of time from the date of rejection. And the secretary can make a suitable decision regarding the appeal.</p> <p>(6) If a community based organization is found engaging in drinking water supply without a licence, it has to be dealt in accordance with section 11 of this statute.</p> | Annual Licence |

The Supervision
of Community
based
Organizations

9. The authority for supervision, investigation and advisory of the activities, assets, and responsibilities of such community bases organizations which are registered under section 7 of this statute, belongs to the provincial unit, or to the local government bodies in accordance with the guidance and suggestions made by the provincial unit.

The power
vested by the
Minister

10. (1) The guidance and suggestions for the community based organizations which are registered under Section 7 can be made by the provincial minister in charge of the relevant subject.
- (2) If it is found that any community based organization not following or purposely neglecting such guidance and suggestions, the minister has the authority to appoint an investigation officer or a panel of investigation under the section 11. The panel should consist of individuals with expertise knowledge in order to investigate the matter in accordance with the recommendations of the Director of the unit.
- (3) When the minister needs to get the requirements of this statute fulfilled he can impose directions.
- (4) The minister can enact general as well as special directions regarding the provincial committee and regional committees.
- (5) While the provincial committee operationalizes its authorities and duties, the guiding and instructions can be made by the minister as the same as they used to be.
- (6) The relevant Minister has the authority to order any local government body to act according to the section 11 of this statute.

Taking over of
community
Based
Organizations

11. (1) The assets and liabilities of any water supply or sanitation projects within the province run by the community based organizations which are not registered under the regulations of section 7, those that had not obtained the annual licence under Section 8 or those which are ordered by the Minister under the sub-section of 10(2) can be taken over by the local government body.
- (2) Any project taken over in this manner can be controlled by the same local government body, under the patronage of the secretary of the relevant ministry, or can be handed over to a community based organization reorganized in accordance with the regulations imposed by the secretary.

PART III

THE ESTABLISHMENT OF THE PROVINCIAL COMMITTEE ON WATER SUPPLY AND ENVIRONMENTAL SANITATION, ITS COMPOSITION AND ITS DUTIES.

Provincial
Committee

12. A provincial committee regarding water supply and environmental sanitation, which is henceforth to be called 'Provincial Committee', can be established by the minister in charge of the relevant subject.

The
composition of
the Provincial
Committee

13. The Provincial Committee should be consisted of the following members :-
- (1) The Chief Secretary of the Provincial Council as the Chairperson of the committee.
- (2) The Director of the Provincial Unit as the Secretary of the Committee.
- (3) The Secretary of the Provincial Ministry of Local Government.
- (4) The Secretary of Provincial Ministry of Education
- (5) The Deputy Chief Secretary of Engineering Services of North Western Province.
- (6) The District Secretaries of Kurunegala and Puttalam Districts of their representatives.
- (7) The Provincial Deputy General Manager of National Water Supply and Drainage Board
- (8) The Commissioner of Local Government of North Western Province.

- (9) The Provincial Director of Health Services of North Western Province.
- (10) The Director of Provincial Environmental Authority of North Western Province.
- (11) The Directors of the Department of Roads and Department of Highways of North Western Province.
- (12) The Secretaries of Local Government bodies who operate drinking water supply and sanitation projects.
- (13) The Chairpersons of District Forums of Community based organizations of Kurunegala and Puttalam Districts.
- (14) The chief of the existing or any expected drinking water supply and sanitation project to be functioned.

14. The duties of the Provincial committee are as follows

The duties of the Provincial Committee.

- (1) Policymaking and activity planning regarding water supply and environmental sanitation.
- (2) Determining water supply and environmental sanitation needs within the province.
- (3) Approving the development plans presented by the provincial unit after reviewing or rejecting the development plans if they are found unsuitable.
- (4) Determining on the process of operation and maintenance of the existing water and environmental sanitation.
- (5) Submitting recommendations to the minister in charge of the relevant subject regarding funding the water supply and environmental sanitation proposals and programmes.
- (6) Obtaining the services and co-ordinating with the government, non government and private aiding organization connected with activities related to water supply and environmental sanitation.

15. (1) The meetings should be held once in two months with the presence of all the members of the committee. If necessary extra meetings can be called by the Secretary under the instructions of the Chairperson.
- (2) The quorum for a Provincial Committee session must be minimum of 10 members.

PART IV

THE ESTABLISHMENT OF REGIONAL COMMITTEES REGARDING WATER SUPPLY AND ENVIRONMENTAL SANITATION, ITS COMPOSITION AND POWERS

16. The regional committee regarding water supply and environmental sanitation, which is henceforth to be called 'Regional Committee', can be established in the Local body area. Regional Committees.
17. The objective of the Regional Committees is to assist the Provincial Committee in policymaking and making managerial decisions in order to ensure the sustainability of the water supply and environmental sanitation projects needed for the welfare of the community living within the local body. The objective of the Regional Committees.
18. The Regional Committee should consist of the following members : The composition of the Regional Committee.
 - (1) The Chairman of the local government body as the Chairperson of the Regional Committee.
 - (2) The water and sanitary affairs officer of that local government institution as Secretary of the Regional Committee.
 - (3) The Divisional Secretaries of the region or their representatives.

- (4) The Secretary of the Local Government body
 - (5) The Divisional Director of Education of the particular region.
 - (6) Regional Medical Officer of health or his representative
 - (7) A staff representative nominated by the Provincial Deputy General Manager of National Water supply and Drainage Board.
 - (8) The Chairperson and the Secretary of the Regional Forum of Community based Organizations.
 - (9) The Divisional Officer of the Agrarian Services.
- The duties of the Regional Committee.
19. The duties of the Regional Committee within a local government territory are as follows ;
 - (1) Identifying the problems in drinking water supply and environmental sanitation needs and submitting reports on them to the Provincial Committee.
 - (2) The supervision of the prevalence and progress of the existing water supply and environmental sanitation projects.
 - (3) Supervising and conducting the activities of community based organizations.
 - (4) Inter coordination among community based organizations.
 - (5) Performing the duties assigned by the provincial committee.
- Powers of Regional Committee.
20. (1) The Regional Committees have powers to perform the duties mentioned above in Section 19.
 - (2) The Regional Committees have powers to complete the duties assigned by the Provincial Committee through the Director of the Provincial Unit.
 - (3) While the Regional Committees operationalize powers and duties, it is a must to act in accordance with the general and special regulations made by the Provincial Committee.
- The meetings of the Regional Committees.
21. (1) The meetings should be held once in two months with the presence of the members of the Regional committee. If necessary extra meetings can be called by the Secretary under the instructions of the Chairperson.
 - (2) The quorum of a committee meeting should be one third of the number of members.
 - (3) The procedures of the meetings can be designed by a Regional Committee itself.

PART V

THE ESTABLISHMENT OF THE REGIONAL WATER SUPPLY AND ENVIRONMENTAL SANITATION UNIT

- Regional Water Supply and Environmental Sanitation Unit.
22. The Regional Water supply and Environmental Sanitation Unit, Which is henceforth to be called “Regional Unit”, is needed for the implementation of this statute and for the fulfillment of the objectives and duties of the Regional Committee. It can be established in the office of Local Government body.
- The staff of the Regional Unit.
23. The staff assistance to perform the duties of the Regional Unit established under Section 22 can be obtained from any person works in local government institutions within the North Western Province by assigning the duty irrespective of the rank. The regulations to assign the duties should be imposed by the Commissioner of Local Government.

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| 24. The administration regarding all activities and duties performed by the Regional Unit is entrusted to the head of the local body under the guidance of the Commissioner of Local Government and the Director of the Provincial Unit. | The Administration of the Regional Unit. |
| 25. According to the above mentioned Section 23 an officer who is assigned in the Regional Unit in addition to his/her permanent post can be paid extra payments or allowances in addition to their salary. | The salaries and incentives of Regional Unit. |

PART VI

FINANCIAL PROVISIONS

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| 26. The financial provisions required for the implementation of this statute can be obtained through, | Financial Provisions. |
| (1) The income-expenditure statements and budget estimates of the Provincial Council, | |
| (2) The annual budgets of Local Government institutions, | |
| (3) Non-governmental organizations, private institutions or any other external Sources, | |
| (4) The funding given for the projects. | |

PART VII

GENERAL RULES AND REGULATIONS

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| 27. All regulations imposed by the Minister under the section 10 of this statute in order to operationalize and implement the regulations and policies should be published on the <i>Gazette</i> . The regulations should be implemented from the date of the <i>Gazette</i> or the particular date specified in the order. | Publishing the regulations in the <i>Gazette</i> . |
| 28. (1) All regulations imposed by the Minister should be submitted to the Provincial Council for the approval as soon as possible after publishing on the <i>Gazette</i> . If a regulation is not approved by the Provincial Council, it will be considered as an invalid regulation from the date of disapproval, yet the actions done prior to that will not be harmed by that. When the regulation imposed by the minister becomes invalid, the date of disapproval should be mentioned in the <i>Gazette</i> . | Receiving Approval for regulations from the Provincial Council. |
| (2) If a regulation approved by the Provincial Council, henceforth it should be considered valid. An announcement regarding the approval should be published in the <i>Gazette</i> . | |
| 29. Those who act against or neglect or act barring the rules and regulations of this statute and the regulations imposed by the same will be found guilty for offence under this statute. | Offences. |
| 30. The authority to file a case against the offence under this statute is possessed by the Director of the Unit or the Officer whom he assigns the authority to. | The authority to file cases. |
| 31. Anyone who is found guilty according to this statute can be fined an amount not less than 5,000 and not more than 20,000 and/or can be sentenced to maximum 6 months of imprisonment before a Magistrate. | Penalty. |

PART VIII

INTERPRETATION

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| 32. According to this statute the following terms refer to: | Interpretation. |
| (1) 'Province' means the North Western Province, | |
| (2) 'Governor' means the Governor of North Western Province. | |

- (3) 'Minister' means The Minister in-charge of the subject of Local Government of the Provincial Council of North Western Province ;
- (4) 'Chief Secretary' means The Chief Secretary of North Western Province ;
- (5) 'Secretary' means The Secretary of the ministry in-charge of the subject of Local Government of the North Western Province ;
- (6) 'Commissioner' means The Commissioner of the Local Government of the North Western Province.
- (7) 'National Water Supply and Drainage Board' means the National Water Supply and Drainage Board established under the Ordinance No. 2 of 1974 ;
- (8) 'Community based Organizations' means the organizations established and registered under the relevant law or this statute representing a community of beneficiaries for the management and service supply in water supply and environmental sanitation ;
- (9) 'The divisional Forum of Community based Organizations' means the organization established representing every community based organization within area of the Local Government body ;
- (10) 'The District Forum of Community based Organizations' means the Organization established representing every regional community based organization ;
- (11) 'Water supply' means Except the occasion of supply such as for animals or for washing vehicles, where such animals or vehicles are kept for sale or hire or a supply for any trade, manufacture or business, or fountains or swimming baths or for any ornamental or mechanical purpose or for -purposes of irrigation, A supply of water to beneficiaries to build up community based organization for construction and implementation drinking water project constructed by the Government, Semi Government or Non Governmental organization or community participation or mediation ;
- (12) 'Environmental Sanitation' means administration of the projects regarding water supply, sanitation and drainage systems directly conducted/implemented or mediated by government, semi-government or non-government organizations ;
- (13) 'Provincial Council' means North Western Provincial Council ;
- (14) 'Provincial Unit' means Water Supply and Environmental Sanitation Unit of North Western Provincial Council.

Sinhala texts to
prevail in case
of
inconsistency

33. If there is a contradiction between the Sinhala, Tamil and English versions of this Statute, the Sinhala version should be taken as the valid one.