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EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

SOUTHERN PROVINCE PROVINCIAL COUNCIL

Statute of Agriculture bearing No. 03 of 2019 under the Southern Provincial Council

I, Udalamaththa Gamage Dayawansha Ariyathilaka, Minister of Agriculture, Agrarian Development, Irrigation, Water Supplying and Drainage, Food Supplying & Distribution and Trade & Cooperative Development of Southern Provincial Council hereby inform to the General Public that the Statute of Agriculture No. 03 of 2019 which had already been approved dated 01.04.2019 by the Hon. Governor of Southern Province followed by the approval made dated 26.03.2019 by the Southern Provincial Council is enacted since 01st of April in 2019.

UDALAMATHTHA GAMAGE DAYAWANSHA ARIYATHILAKA,
Minister of Agriculture, Agrarian Development, Irrigation,
Water Supplying and Drainage, Food Supplying & Distribution and Trade &
Cooperative Development of Southern Provincial Council

4th Floor, Dakshinapaya,
Labuduwa,
Galle,
At the Minister's Office,
Ministry of Agriculture, Southern Province,
Dated 01st April, 2019.



THE AGRICULTURAL PRECEPT OF THE SOUTHERN PROVINCIAL COUNCIL

A Precept for the benefit of the farming community in the Southern Province, with the intention of uplifting the agricultural and allied products, do device and implement plans for the development of agriculture within the purview of the Southern Provincial Council, by establishing a Provincial Department of Agriculture, by forming voluntary committees comprising, persons engage in agriculture, by determining the powers and functions of such committees and by providing ways and means for related events. This precept is consistent with the Agricultural Ordinance (of Authority 441).

Concise name and the date effective

1. This Precept will be known as the Agriculture Precept of the Southern Provincial Council and will come into effect from the day it is sanctioned by the Governor of Southern Province.

SECTION I

Southern Provincial Agriculture Department

Establishment of the Department of Agriculture

2. For the benefit of the farming community in the Southern Province and with the intention of uplifting the agricultural and allied products, a Southern Provincial Agriculture Department (Hereinafter referred to as the 'Department') will be established in the Southern Province.

Appointing the Head of the Department

3. In order to exercise the powers bestowed upon this department established under this precept, a Director, under the name and title of Southern Provincial Agriculture Director (Hereinafter referred to as the 'Director') will be appointed and he/she will be the Head of the Department established under this article 2. This Director should be a Grade I officer of the Sri Lanka Agriculture Service.

Appointing the staff

4. (1) This department will have powers, to appoint and additional Provincial Agriculture Director, two Deputy Provincial Agriculture Directors, Deputy Provincial Directors for the districts. Assistant Directors in charge of regions and training institutions and Agriculture Instructors in charge of technical services, Program Assistants-Agriculture, Development Assistants - Agriculture and, to appoint any other staff that the Department may feel necessary, for the efficient management and administration of the affairs of the department.
- (2) In the event where officers of the Government Services are required to be appointed to the department, to maintain the required standard of management and for better coordination of affairs, the department has powers to make such appointments with the concurrence of the secretary of the relevant line Ministry.

5. All the appointments, including that of the Director under Article 4 of this precept, are relevant to the provisions of article 32 of the 1987 Provincial Council Act, No. 42

Establishing Sub offices with the approval of the Secretary

6. The Department is allowed to establish institutions at the provincial, district, Pradeshsiya and Village levels to achieve its objectives, with the permission of the Secretary to the Ministry.

SECTION II

The Purpose of the Department, It's objectives and Duties

The purpose of the Department

7. The purpose of the Department is to be the principal contributor to the Gross National Product of the country by rendering all arable land in the Southern Province to be cultivated with agricultural crops in propagating food production and in making a contribution to the sustainable food production.

8. The objectives of the department.

The Objectives of
the Department

- (a) The proper execution of the agricultural extension works and the training activities related thereto.
- (b) The planning, executing, supervision and monitoring all agricultural development extension activity initiated under the advice of the Minister and to manage such development activity and programs by bringing those under media supervision.
- (c) The conducting of soil conservation work connected to the agricultural lands of the area, the elimination of losses due to pest and other fungal infections of varied agricultural crops and to establish and activate units based on existing agriculture extension offices, to control pests, fungal infections and to prevent the spread of fungal infections in the area.
- (d) The maintenance, improvement and development of existing training centres with the view of providing the required training and acclimatisation to the farmers engaged in agricultural pursuits in the area and the preparation of plans to improve their skills and apprenticeships, deploying modern technical knowledge.
- (e) Establishing and supervision of village agriculture societies under the guidance and supervision of area agricultural instructors and registering such societies under the Ministry of Agriculture.
- (f) Executing programs to encourage and develop voluntary youth participation in the agriculture activity and the registration of voluntary youth farmer societies associated with such work and managing such societies providing constitutional provisions necessary for their activation.
- (g) Ensure that the execution of varied agricultural programs initiated in the area are conducted subject to the approval of the Secretary of the Ministry or a person delegated with due authority by the Secretary and also ensure that those are subjected to the due technical interventions by the Ministry.
- (h) Work towards obtaining monetary and material contributions from local and foreign sources in the accomplishment of department's responsibilities subject to the limits of existing documented legal frame work.
- (i) Execute required programs to ensure that the department staff is provided with facilities to equip themselves with modern knowledge and to hone their skills abreast of the times.
- (j) Install a task evaluation system to assess the quality of services provided by the officers of the department and their expeditious execution with the view of improving the qualitative standard of the services rendered to the public by the department.
- (k) Collect data and information on persons and organizations engaged in agricultural activity in the area and to maintain an Agricultural information centre for the benefit of agriculture.
- (l) Engage in any other activity that will help patronize the above objectives.

9. The powers, objectives and duties of the Director.

The directors
powers/objectives
& duties

- (a) To carry out the duties entrusted in line with the objectives of the Department.

- (b) To grant the required approval when cultivations and crops that are not endemic to the Southern Province are being established in the province.
- (c) To inspect, or to appoint a person with delegated authority to inspect, any agricultural farm, Government or Private, in the area after having issued suitable notice of such inspection.
- (d) In the event where an entrepreneur of the area is producing organic fertilizer for commercial purposes to register such entrepreneur having considered the quality of such fertilizer.
- (e) To issue and publish directives and methodology and to make *Gazette notification* from time to time, with regard to the issue of agricultural chemicals in a context where agricultural chemicals are issued by certain vendors without written requests from agricultural instructors.
- (f) To decide on all agricultural development activity conducted in the area.
- (g) To delegate authority to the Agricultural instructors to inspect and report on the cultivation of inappropriate crops in the area.
- (h) To register voluntary Agricultural Development Organizations and to cancel such registrations when so registered organisations act contrary to the declared objectives of the precept and are engaged in irregular activity.

SECTION III

Voluntary Organizations for Agricultural Development

Establishing
Voluntary
Agricultural
Organizations

10.

- (a) The formation of voluntary organizations of farmers, by farmers engaged in agricultural activity is permitted, and such organizations could carry a name of their choosing.
- (b) The Director should formulate a common and standard constitution on regulate the voluntary agricultural organizations.
- (c) These voluntary agricultural organizations could be established at village, Pradeshiya, District and Provincial levels

SECTION IV

Provincial Advisory Committees

11.

Establishing the
Provincial
Advisory
Committee

- (1) An Advisory Committee should be appointed to advise the Minister, on, an agricultural matter or matters initiated by the Minister.
- (2) The Provincial Advisory Committee should comprise of the following persons :

- (a) Persons appointed by virtue of their office
 - (I) The Secretary to the Provincial Minister
 - (II) the Director of Agriculture for the Southern Province.
 - (b) Four appointees appointed by the Minister who possess specialized knowledge in agriculture and who also possess a post graduate degree or an equivalent or higher academic qualification and one other person who is a member of a registered agricultural organization holding office in a District Agricultural board of the area, also appointed by the Minister.
 - (3) The Secretary to the Ministry should be the Chairman of the Committee.
 - (4) The Director of Agriculture should be the Secretary of the Committee.
 - (5) A remuneration for the members of the Advisory Committee could be arranged with the approval with the Minister and in concurrence with the Provincial Minister of Finance.
 - (6) Every member of the committee should continue to serve the committee for two full years, unless the service is ended due to death, resignation or removal from office and the member is entitled for consideration to be re-appointed to office unless the member is removed from the Committee.
 - (7) Members who are appointed to the advisory committee, by virtue of their office should continue to be members as long as they hold such office.
 - (8) In the event where a vacancy arises in the committee due to death, resignation or removal of an appointed member, the Minister may appoint an alternate member to replace that member. A member appointed under such circumstances may continue to be a member of the committee for the balance period that his predecessor left unserved.
 - (9) In a situation where a member of the committee absents him/her self for a temporary period of time due to sickness or been away from the country, the Minister may appoint another person to serve in the committee during that period of absence of the permanent member.
 - (10) The Minister may remove a member appointed after having forwarded reasons for such removal.
 - (11) An appointed member may resign from the committee at any time, by informing the Minister of the fact that he is resigning from the committee by a written intimation sent through registered post.
12. (1) The advisory committee should meet at least once in every two months or that many time that it is required to meet, in order to accomplish the tasks, set by the precept. The meetings
- (2) The quorum for any meeting of the committee shall be three members.
 - (3) It is the responsibility of the Committee Secretary to ensure that the minutes of the committee meetings are received by the Minister and the members of the committee.

- (4) The procedure of work with regard to committee meetings and workings during the meetings of the advisory committee, should be regularised by the committee itself, subject to the other provisions of the Precept.

SECTION V

General Provisions

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| Finances | 13. The monies for the expenses incurred by the Department and the institutions established under the department, in the performance of their duties and tasks under this precept, should be made available from the monies of the Provincial Council Fund. |
| The power to obtain information relevant to Agriculture within the Province | 14. If the Director, or a person authorized by the director in writing, requests certain items of information, for the furtherance of the objectives of this precept, at any time, from any person of institution, it shall be the responsibility of that institution or person to provide the requested information to the director of person authorized by the director. |
| Annual Administrative Report | 15. (1) The Director should submit an annual administrative report to the Minister every year, within four months of the lapse of that year, detailing the manner in which agricultural activities were carried out, the problems that arose during the course of such activity, the solutions offered an any other activity material to the pursuit of the subject of agriculture.

(2) The Administrative report submitted as per clause (1) above should be tabled at the Provincial Council by the Minister within a reasonable time. |
| Power to issue Directives | 16. The Minister may issue, special or general directives in writing to the department on the exercise powers by the department, and the department should execute those directives. |
| Directions | 17. (1) The Minister may, under this precept, institute directions with regard to the following matters or on any other matter relevant to the objectives of the precept :

(a) In formulating conditions relevant to registration of Organic fertilizer manufactures.

(b) In formulating conditions relevant to the registration of Voluntary Agricultural Development Organization and in specifying the specimen forms used in registration.

(c) On any other matter that falls within the purview of this precept.

(2) All directions formulated and issued by the Minister should be published in the <i>Gazette</i> notification and shall be effective, either from the date of such publication or from the date mentioned as the effective date in the publication.

(3) All directions formulated under clause (1) above, should be forwarded to the Provincial Council for approval after their publication in the <i>Gazette</i> notification and in the event where any such direction fails to gain approval, that direction should be considered as rescinded from the date of such rejection without any adverse effect on actions initiated as per that direction prior to the date of such rejection.

(4) The date on which such directions are rescinded should be published in the <i>Gazette</i> notification. |
| Offences & Penalties | 18. The following items/activity are an offence under this precept : |

- (1) The misappropriation of agricultural aid or equipment granted by the Government or the Provincial Council, for the purpose of agricultural development and the disposal of, or rendering of, those to be used by a third party without the knowledge of the Director ;
- (2) Acting in contravention of the directives issued by the Director on agricultural pursuits ;
- (3) Acting in hindrance to any officer during the course of exercising power under this Precept by any officer or person.
- (4) Disobeying the orders issued by the Director or Assistant Director in charge of the area, on an agricultural issue, in preventing the spread at national or provincial scale, of a calamitous situation cause to agriculture due to biological or chemical reasons.
- (5) To act deliberately or otherwise is propagating seeds or pesticides foreign to the Southern Province in a manner inimical to the legitimate crops cultivated in the province.
- (6) (1) To activate or accomplish agricultural projects or activity that does not meet with the Directors concurrence.
- (2) Those who are alleged to have committed one or more of the above offenses, having found guilty at a summary trial conducted by a Magistrate, should be penalized either by a fine of not less than rupees ten thousand or a term of imprisonment not exceeding six months or by one of the methods mentioned, or should be subjected to both, a fine and a term of imprisonment.

19. Unless an alternative interpretation is necessitated in the terms used in this Precept, the term : Definitions

“Provincial Council” should mean the Southern Province or Provincial Council,

“Minister” should mean the Minister in charge of the subject of Agriculture in the Southern Provincial Council,

“Secretary” should mean the Secretary to the Ministry of Agriculture in the Southern Province,

“Agricultural land” should mean a land that could be used for cultivation of paddy, private land that could be put to agricultural use or lands that have been dispossessed under the Land Development Ordinance, the Government Land Ordinance or any other Act,

“Inappropriate crops” should mean crops not recommended to the area and crops that are not permitted by Law,

“Pests” should mean any form of life, that may prevent the growth of an agricultural crop or causes to adversely affect its good health and productivity of that crop.

“Province” should mean the Southern Province.

20. In the event where there is inconsistency between the Sinhala, English and Tamil versions of this Precept, the Sinhala version should be taken to prevail.