

A STATUTE TO PROVIDE FOR THE ESTABLISHMENT OF A DEPARTMENT OF AGRICULTURE FOR THE [NAME OF THE PROVINCE]; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the [*name of the province*] Province Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows: -

Short title.

1. This Statute may be cited as the [*name of the province*] Province Agriculture and Agrarian Services Statute, No. of 20...

PART I

ESTABLISHMENT OF A DEPARTMENT OF AGRICULTURE

Establishment of a Department of Agriculture.

2. There shall be established a Department known as the Department of Agriculture of the [*name of the province*] Province (hereinafter referred to as the "Department") for the purpose of carrying out the objects of the Department specified in section 4 of this Statute.

Appointment of Provincial Director of Agriculture.

3. (1) There shall be appointed a person to be the Provincial Director of Agriculture (hereinafter referred to as the "Provincial Director") who shall be the Head of the Department.

(2) There may be appointed such other officers and servants as are necessary for the purpose of carrying out the objects of the Department.

(3) The provisions of Part IV of the Provincial Councils Act, No. 42 of 1987 shall apply to the appointment, transfer, dismissal, disciplinary control of the staff of the Department.

Objects of the Department.

4. The objects of the Department shall be-

(a) to meet the demand for agricultural products of the [*name of the province*];

- (b) to ensure an efficient use of agricultural lands and discourage the housing and construction on agricultural lands;
- (c) to achieve sustainability in agriculture and rural development;
- (d) to promote development of the farming industry in order to improve the standard of living of the people of the [name of the province] Province; and
- (e) to produce electrical energy by using advanced technologies and crops.

Powers, functions and duties of the Department.

5. The powers, functions and duties of the Department shall be-
 - (a) to facilitate the achievement of national commitments relating to agricultural development in terms of National Policy;
 - (b) to implement provincial economic plans and annual development plans on agriculture;
 - (c) to provide assistances and supports for the implementation of the provisions of the Agrarian Development Act, No. 46 of 2000;
 - (d) to promote, establish and engage in agricultural enterprises and other income-generating projects in relation to agriculture;
 - (e) to issue guidelines relating to agricultural development;
 - (f) to promote development and manufacture of agricultural implements, agricultural machinery and other materials and

equipment required for agriculture;

- (g) to establish institutions or appoint committees for the promotion of scientific research and new knowledge to agricultural practices, or any specific matters;
- (h) to register and monitor any organizations involved in the agricultural sector;
- (i) to protect, promote and develop the customary agricultural cultures and resources and to encourage the organic farming;
- (j) to maintain appropriate registers relating to agricultural lands and paddy fields as may be prescribed;
- (k) to take necessary steps to utilize the entire agricultural lands and the unused and abandoned lands with the consent of land owners;
- (l) to engage in agricultural productions and research, and to establish markets, fairs and sale centers for the marketing of agricultural products, seeds planting materials;
- (m) to encourage value added productions and usage of machineries to increase productivity;
- (n) to engage and provide necessary facilities to produce high quality seeds and planting materials and promote their usage, and to manufacture manures and promote their marketing;
- (o) to design and implement schemes to provide subsidies or loan for development of agriculture;

- (p) to obtain the services of Agricultural Development Society, Agricultural Women Society, Agricultural Youth Society and experts in the field of agriculture;
- (q) to maintain a database relating to the traditional watershed, information of agricultural development projects and to provide information through official websites of the Provincial Ministry of Agriculture or Department;
- (r) to maintain the quality of the agricultural products and take necessary steps to preserve them by using post-harvest technologies and authenticate the quality of products and issue a quality certificate for such product;
- (s) to provide quality seeds in accordance with the provisions of the Seed Act, No. 22 of 2003 and planting materials and to advise on the use of pesticides in terms of the Control of Pesticides Act, No. 33 of 1980;
- (t) to carry out evaluation on the impacts caused to agricultural plantations;
- (u) to assist in agricultural banking services and agricultural insurance services;
- (v) to promote the preparation of traditional foods by adapting traditions of the [name of the province] Province and to determine the prices of such foods;
- (w) to conduct competition among the farmers engaged in agriculture and award certificates;

(x) to enter into, or perform, all such contracts as may be necessary for the exercise, discharge and performance of its powers, functions and duties;

(y) to liase and collaborate with local, regional and national organizations on issues relating to agricultural development;

(z) generally, to do all such other things as are necessary to achieve the objects of the Department.

PART II

AGRICULTURAL ADVISORY COMMITTEE

Establishment of
Advisory Committee.

6. There may be established an Agricultural Advisory Committee to advise and assist in the exercise, discharge and performance of the powers, duties and functions under this Statute.

Powers, functions
and duties of the
Agricultural
Advisory Committee.

7. The powers, functions and duties of the Agricultural Advisory Committee shall be to-

(a) provide proposals and advice for the agricultural development;

(b) provide advice to redress the problems arising during the implementation; and

(c) confirm the proper usage of agricultural lands.

Constitution of
Advisory Committee.

8. The Agricultural Advisory Committee shall consist of:-

(a) the following *ex-officio* members-

(i) the Minister assigned the subject of Agriculture in the Board of Ministers of the [name of the province] Province who shall be the Chairperson of the

Advisory Committee;

(ii) the Secretary to the Ministry of the Minister assigned the subject of Agriculture in the Board of Ministers of the [name of the province] Province who shall be the Secretary to the Advisory Committee;

(iii) [name of the province] Provincial Director of Agriculture;

(iv)

(b) the following *ex-officio* members with the consent of the Government or relevant authorities-

(i) a representative of the Commissioner of the Department of Agrarian Services;

(ii) a representative of the Director-General of Agriculture;

(iii) a representative of the Central Environmental Authority and Director of such Authority in the [name of the province] Province;

(iv); and

(c) three persons appointed by the Minister (hereinafter referred to as "appointed members")-

(i) two representatives of the institutions associated with Agriculture; and

(ii) one of the male and female pilot farmers.

Term of office of
appointed members.

9. Every appointed member shall, unless he earlier vacates office by resignation, death or removal, hold office for a period of three years from the date of his appointment and such member other than a member who is removed shall be eligible for re-appointment.

Removal and
resignation of
appointed members.

10. (1) Every appointed member may at any time resign from his office by a letter to that effect, addressed to the Minister, and such resignation shall be effective from the date on which it is accepted by the Minister in writing.

(2) Where any appointed member by reason of illness, infirmity or absence from Sri Lanka is temporarily unable to discharge the functions of his office, the Minister may, having regard to the provisions of paragraph (c) of section 8, appoint some other person to act in his place.

(3) The Minister may, for reasons assigned, remove an appointed member from office.

(4) Where an appointed member dies, resigns or is removed from office, the Minister may, having regard to the provisions of paragraph (c) of section 8 appoint another person in his place and the person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

Quorum and meetings
of the Agricultural
Advisory Committee.

11. (1) The meetings of the Agricultural Advisory Committee shall be held at least once in every month and the *quorum* for a meeting of the Agricultural Advisory Committee shall be seven members.

(2) The Chairperson shall preside at every meeting of the Agricultural Advisory Committee. In the absence of the Chairperson from any meeting of the Agricultural Committee, a member elected by the members present shall preside at such meeting.

(3) All questions for decision at any meeting of the Agricultural Advisory Committee shall be decided by the vote of the majority of members present at such meeting. In the case of an equality of votes the

Chairperson shall, in addition to his vote have a casting vote.

(4) Subject to the preceding provisions of this section, the Agricultural Advisory Committee may regulate the procedure in relation to the meetings of the Agricultural Advisory Committee and the transaction of business at such meetings.

PART IV

AGRICULTURE DEVELOPMENT SOCIETY

Establishment of
Agriculture
Development Society.

12. (1) Any person who engages in agriculture in any area of the [name of the province] Province may establish an Agriculture Development Society within the area. The method of selection of the Executive Committee of an Agriculture Development Society shall be as prescribed.

(2) Every Agriculture Development Society shall have at least twenty-five members.

Application
for registration and
the
processing
of such application.

13. (1) Every application for the registration of an Agriculture Development Society shall be made in the prescribed form to the Provincial Director.

(2) Every Agriculture Development Society shall submit an application under the guidance of Agriculture Instructors and on the recommendation of the Provincial Deputy Director of Agriculture.

(3) Every application submitted under subsection (1) shall contain complete and accurate information of all required particulars.

(4) The Provincial Director may, having considered the information and particulars contained in an application submitted under subsection (2), register such Agriculture Development Society.

(5) An application found to contain false, misleading or incorrect information or particulars shall be rejected.

(6) An Agriculture Development Society shall, upon the registration under subsection (2) by the name assigned to it, be a body corporate, with perpetual succession and a common seal and may sue and be sued in such name.

(7) The Provincial Director shall cause to maintain a register of registered Agriculture Development Societies.

Powers, functions and duties of an Agriculture Development Society.

14. The powers, functions and duties of an Agriculture Development Society shall be to-

- (a) prepare agriculture development plans for the area where the Agriculture Development Society operates and create agricultural market in concurrence with the Department;
- (b) provide loan facilities to the members to obtain seeds and planting materials and engines; and
- (c) implement suitable plans to upgrade the quality of life of members.

Supervision of Agriculture Development Society.

15. The Provincial Director or an officer authorized in writing by the Provincial Director shall supervise the Agriculture Development Society, practices of such Agriculture Development Society for business matters, maintenance of accounts and auditing of accounts.

Cancellation of Agriculture Development Society.

16. A registration of an Agriculture Development Society shall be cancelled by the Provincial Director where—

- (a) it is found that the registration had been obtained by providing false, misleading or inaccurate information;
- (b) the number of members of such Agriculture Development Society decreases below the number of twenty-five members;

(c) such Agriculture Development Society is inoperative for a period exceeding one year; or

(d) the Agriculture Development Society has contravened any provisions of this Statute.

Reasons to be communicated.

17. Where an application for registration has been refused or cancelled, the reasons for such refusal or cancellation shall be recorded by the Provincial Director. It shall be the duty of the Provincial Director to inform the person making such application or the President of the Agriculture Development Society, by a written communication sent under registered post to the address appearing in the application, of the reasons for such refusal.

Appeals.

18. (1) Any person aggrieved by a decision refusing the registration or cancellation of an Agriculture Development Society, may, within thirty days of the date of receipt of the written communication informing such person, of the refusal or cancellation, as the case may be, appeal against such decision to the Secretary to the Ministry of the Minister.

(2) The decision on any appeal submitted under subsection (1) shall be made within a period of sixty days of the receipt of such appeal and the person making such appeal shall be informed of the decision made on it forthwith.

(3) Where the Secretary to the Ministry of the Minister considers it appropriate, he may hold such inquiry as he deems necessary in the circumstances of the case, prior to arriving at any decision on any appeal made to him under subsection (1).

(4) The decision of the Secretary to the Ministry of the Minister on any appeal made under this section shall be final.

Dissolution of Agriculture Development Society.

19. The Provincial Director or an officer authorized by him for that purpose shall take necessary action to dissolve the Agriculture Development Society upon the cancellation under section 16.

Powers, functions and duties of the Authorized officer.

20. The powers, functions and duties of an authorized officer under section 15 shall be –

- (a) to undertake the books, documents and properties of such Agriculture Development Society;
- (b) to sell the properties of such Agriculture Development Society;
- (c) to decide the priority order of debts of such Agriculture Development Society; and
- (d) to settle any claims for or against such Agriculture Development Society with the prior approval of the Provincial Director.

Allocations for expenditure.

21. Where an Agriculture Development Society is dissolved under this Part, the allocation shall be done to adjust the expenditure to dissolve the Fund of the Agriculture Development Society and to pay the government loans and other liabilities of such Agriculture Development Society.

PART V

GENERAL

Regulations.

22. (1) The Minister may make regulations in respect of matters required by this Statute to be prescribed or in respect of which regulations are authorized to be made.

(2) All regulations made by the Minister shall be published in the *Gazette* and shall be placed before the [name of the province] Province Provincial Council within a period of three months from the date of its publication in the *Gazette* and be approved by such [name of the province] Province Provincial Council.

(3) Every regulation which is not approved by the [name of the province] Province Provincial Council shall be deemed to be rescinded from the date of such disapproval, but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation shall be deemed to be so rescinded, shall be published in the *Gazette*.

Appointment of public officers to the Department.

23. (1) At the request of the Governor of the [Name of the Province] Province, any officer in the public service may, with the consent of that officer and the Secretary to the Ministry of the Minister assigned the subject of Public Administration in the Cabinet of Ministers, be temporarily appointed to the staff of the Department for such period as may be determined by the Department or with like consent, be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the Department, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis* apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Department, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis* apply to and in relation to him.

(4) Where the Department employs any person, who has agreed to serve the Government for a specified period under any agreement, any period of service to the Department by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

Expenses incurred by any person to be paid by the Department.

24. Any expense incurred by any person in any suit or prosecution brought against him before any court in respect of any act which is done by him or purported to be done by him under this Statute or on the direction of the Provincial Director shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Department, unless such expenses are recovered by him in such suit or prosecution.

Delegation of the powers, functions and duties of the Department.

25. (1) The Provincial Director may, subject to such conditions as may be specified in writing, delegate to an officer of the Department any of its powers, functions or duties under this Statute, and the officer shall exercise, perform or discharge such power, function or duty subject to any special or general directions issued by the Provincial Director.

(2) Notwithstanding any delegation made under subsection (1), the Provincial Director may exercise, perform or discharge any such power, function or duty so delegated.

Directions of the Minister.

26. The Minister may, from time to time issue such general or special directions to the Department relating to the exercise, performance and discharge of the powers, functions and duties under this Statute and it shall be the duty of the Provincial Director to comply with such directions.

Allocations.

27. It shall be the duty of the Department to obtain allocations for the purpose of implementing the proposals of development plans prepared under this Statute under the budget of the [name of the province] Province.

Annual report.

28. (1) The Provincial Director shall prepare and submit to the Minister in every year a detailed report of the activities relating to the previous year.

(2) The report under subsection (1) shall be forwarded to the Minister on or before the thirtieth of June every year.

(3) The Minister shall present such report to the [name of the province] Province Provincial Council.

Savings.

29. It is hereby declared as follows-

(a) all movable and immovable property vested in the Department of Agriculture of the [name of the province]

Province on the day preceding the date of operation of this Statute, shall, with effect from the date of operation of the Statute vest in the Department;

- (b) all contracts, and agreements entered into by or with the Department of Agriculture of the [name of the province] Province and subsisting on the day preceding the date of operation of this Statute, shall, with effect from the date of operation of the Statute, be deemed to be contracts and agreements entered into by or with the Department;
- (c) all actions and proceedings instituted by or against the Department of Agriculture of the [name of the province] Province and pending on the day preceding the date of operation of this Statute, shall, with effect from the date of operation of the Statute, be deemed to be actions and proceedings instituted by or against the Department as the case may be, and may be continued and completed accordingly;
- (d) all officers and servants of the Department of Agriculture of the [name of the province] Province on the day preceding the date of operation of the Statute, shall, with effect from the date of operation of the Statute, be deemed to be officers and servants of the Department;
- (e) all judgments and orders made in favour of or against the Department of Agriculture of the [name of the province] Province and remaining unsatisfied on the day preceding the date of operation of the Statute, shall, with effect from the date of operation of this Statute, be deemed to be judgments and orders made in favour of, or against, the Department, as the case may be, and may be enforced accordingly; and

(f) all liabilities of the Department of Agriculture of the [name of the province] Province on the day preceding the date of operation of this Statute, shall with effect from the date of operation of the Statute, be deemed to be liabilities of the Department.

Interpretation.

30. In this Statute, unless the context otherwise requires-

“Minister” means the Minister in the Board of Ministers of the [name of the province] Province to whom the subject of Agriculture is assigned.

..... text to prevail in the case of inconsistency.

31. In the event of any inconsistency between the Sinhala and Tamil texts of this Statute, the text shall prevail.

Transitional provisions.

32. (1) Any Agriculture Development Society which has been registered and is being operated and maintained on the date of commencement of this Statute shall, notwithstanding the provisions contained in section 13 of this Statute, but subject to the provisions of subsection (2) of this section, be permitted to continue to be operated and maintained as such from the date of commencement of this Statute, for a period of six months.

(2) Prior to the expiry of the period of six months referred to in subsection (1), an Agriculture Development Society referred to in that subsection shall be required to make an application under section 13 of this Statute for the registration of such Society.