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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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(Published by Authority)

## PART IV (A) — PROVINCIAL COUNCILS

### Provincial Councils Notifications

My No.: CPC/AS/1/STATUTE/2007.

#### CENTRAL PROVINCIAL COUNCIL

#### Central Provincial Council Statute No. 02 of 2003 of Road Development Authority

IT is hereby notified that the Central Provincial Council Statute, No. 02 of 2003 of Road Development Authority was submitted to the Council meeting on 08th May, 2007. And after unanimously adoption by the Council, it was approved by the Hon. Governor on 06th July, 2007.

P. B. WIJAYARATNE,  
Council Secretary,  
Central Provincial Council.

Council Secretariat,  
P. O. Box. 07,  
Pallekelle,  
Kundasale.  
31st July, 2007.

#### PROVINCIAL COUNCILS OF THE CENTRAL PROVINCE

#### ROADS DEVELOPMENT AUTHORITY OF THE CENTRAL PROVINCE STATUTE, No. 2 OF 2003

A Statute to provide for the establishment of the Roads Development Authority of the Central Province, to specify the powers duties and functions of such authority and to provide for matters connected therewith or incidental thereto.

The Statute is inconsistent the through fares ordinance and the Roads Development Authority Act, No. 73 of 1981.

Be it passed by the Provincial Council of the Central Province of the Democratic Socialist Republic of Sri Lanka as follows :-

Short title and date of operation.

1. This Statute may be the Roads Development Authority of the Central Province Statute, No. 02 of 2000 and shall come into operation or receiving the assent of the Governor.

PART I

*ESTABLISHMENT AND CONSTITUTION OF THE ROADS DEVELOPMENT AUTHORITY OF THE CENTRAL PROVINCE*

2. (1) Those shall be established an Authority which shall be called the Roads Development Authority of the Central Province. Hereinafter referred to as the "Authority".
- (2) The authority shall by the name assigned to it by Sub-section (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in that name.
- (3) The authority may with the prior approval of the Minister, establish and maintain such of branch offices as may be required.

Members of The Authority

3. (1) This authority shall consist the following members :-
  - (a) Three members (hereinafter referred to an appointed member) who shall be appointed by the Minister of Highways of the Central Provincial Council from among persons who wide experience and shoe, capacity in civil engineering highway engineering, commerce, finance and administration
  - and
  - (b) Two other members who shall be —
    - (i) a senior officer of the Ministry of Highways who nominated by the Minister of the Highways of the Central Provincial Council.
    - (ii) a senior officer of Chief Ministry who nominated by the Minister in-charge of the finance of the Central Provincial Council.
- (2) Due member out of the appointed members shall be appointed as the Chairman of the Authority with the consent of the Chief Minister, by the Minister in-charge of the subject of roads.
- (3) A person shall be disqualified from being appointed or continuing as a member of the Authority, if he is or become a member of the Parliament, a member of a provincial Council, or a member of the Local Authority.
- (4) Before appointing a person to be a member of the authority, the Minister of Highways shall satisfy himself the such person has to financial or other interest as is likely to effect prejudicially the discharge by such person of the functions as a member of the authority. The Minister shall also satisfy himself from time to time, that no member of the authority has may such interest. Any person who is appointed by the Minister, or whom the Minister proposed to appoint, as member of the Authority shall whenever requested by the Minister so to do furnish to the Minister such information as the Minister. Considers necessary for the performance by him of his duties under this subsection.
- (5) The member of the authority who is in any way directly or indirectly interated any agreement or contract made or proposed to be made by the authority shall disclose the nature of his interest at a meeting of the authority and such disclosure shall be recorded in the minutes of the authority and the member shall not tale part in any deliberation or decision of the authority with regard to the contract or agreement.

- (6) Every appointed members of the authority shall subject to the provisions of Sub-section (8) and (9) hold office for such term not exceeding three years, recokoned from the date of his appointment as the Minster may at the same time of appointment as the Minister may at the time of appointment determine and unless he has been removed from the office under subsection (8) shall be eligible for re-appoint provided that a member appointed by the Minister to fill a vacancy in the authority of an appointed members of the authority shall unless he vacated office earlier hold office for the expired portion of the term of authority of the member who be succeed.
- (7) Subject to the provisions of Sub-section (9) the term of office of the Chairman shall be the of his membership of the authority.
- (8) The Minister may be order published the *Gazette*, remove any appointed member from authority.
- (9) A member of the authority in respect of whom an order under the Sub-section (9) is made by the Minister shall vacate him from the authority on the date of publication of such order in the *Gazette*.
- (10) An appointed member of the authority may at any time resign as a member or a chairman by the letter which address to the Minister.
- (11) When any member of the authority is temporarily unable to perform the duties of the authority on a illness or absence form Sri Lanka or any other cause them.
  - (a) if he is an appointed member, the Minister may having regard to the provisions of Sub-section 3(i) a or appoint another person for acting in place of that member.
  - (b) if he is nominate member the minister may having regard to provisions of Sub-sector 3(i)B(I)(ii) nominate another person for acting in place of that member.
- (12) When the Chairman of the Authority its temporally unable to perform the duties of the Authority due to illness or other infirmity absence from the Sri Lanka or any other cause, the Minister may appoint any other appointed member to act as Chairman.
- (13) The membership of a member shall cause on his death, removal resignation of the affliction of time.
- (14) All or any of the member of the Authority may be paid such remuneration, allowances and other expenses out of the funds of the Authority as may be determined by the Minister the concurrence of the Minister in-charge of the subject of finance. Remuneration and allowance of member.
4. (1) The Chairman of the authority shall preside at every which he is present. In the absence of the Chairman at any meeting of the Chairman at any meeting of the Authority, any member elected by the members present shall preside at such meeting. Meeting of the Authority.
- (2) The Authority shall meet whenever it consider of necessary provided that it shall meet at least one every month.
- (3) The person proceeding at any meeting of Authority shall in addition to his vote, have casting vote.
- (4) The quorum for any meeting of the Authority shall be three members.
- (5) The Authority may act not withstanding any vacancy among, its members and any act or proceeding of the Authority shall not be or be deemed to be invalid by reason only the existence of any vacancy among the members of any defect in the appointment or nomination of a member thereof.

Seal of the  
Authority

- (6) Subject to the provision to of stature, the Authority may make rules for the procedure in regard to the meeting and the transaction of business at such meeting.
5. (1) The seal of the Authority shall be in the custody of the Chairman of the Authority.
- (2) The seal of the Authority may be altered in such manner as may be determined by the Authority.
- (3) The seal of the authority shall not be affixed to any instrument or document except in the presence of two members of the Authority, one of whom shall be in the Chairman of the Authority. Both such members shall sign such instrument or document in taken of their presence.

PART II

*DECLARATION OF ROAD DEVELOPMENT AREA, AND POWER, DUTIES AND FUNCTIONS OF THE AUTHORITY*

Declaration areas  
as Road  
Development area  
order of Minister  
And effect of such  
Orders

6. (1) The Minister may if he has of the opinion, having regard to the requirement of local needs and planning, that it is expedient to regulate of and control development in any area within the Central Province, by order published in the gazette declare such area to be a "Road Development for Area" (If hereinafter referred to as a Development Area").
- (2) An order under the Sub-section(1) declaring an area as a "Development Area" shall define that area by setting out the meet and bounds of such area.
- (3) Upon the declaration of a Development area no road development work other than on a National Highway, or Bridges or ferry on the National Highways, or any road administered and maintained by the local authority under any law shall be undertaken or executed or caused to be undertaken or executed within such area by any Government Agency or any other person except with the prior written approval of the Authority.

Power Duties  
functions of the  
Authority

7. (i) Subject to the provision of Sub-section (2) the power and duties and functions of the authority in respect of roads shall be
- (a) To carry out integrated road planning and development of roads within such area, subject to any directions that may be given to the Authority by the Minister from time to time.
- (b) To implement related programmes of road development work activities and services in such areas that are consistent with integrated road planning in such areas subject to any directions that may be given to the authority by the Minister from time to time.
- (c) Formulate and submit road development plan including capital investment plans to the Minister.
- (d) Subject to any conditions in a written law enter into perform and carry out whether directly or by way of joint venture with any person in or outside Sri Lanka, all such contracts or agreements as may be necessary to the purpose of carrying out any development project on a road.
- (e) To undertake the completion of any approved development project on a road in default by any person, failing to complete such project.
- (f) To implement development plan and capital investment plan in respect of a road.
- (g) To formulate road improvement programmes in respect of a road.

- (h) To purchase or subject to Section (24) acquire and hold any movable or immovable property or dispose of any movable or immovable property acquired or held by it in respect of a road.
- (i) To prepare at the request of any Government Agency road and development project and planning schemes on behalf of such agency did to coordinate with or assist in the execution of such project or schemes.
- (j) To provide road planning service or request for the benefit or Government agencies or other person.
- (k) To charge fees for any services provided by the Authority in respect of a road.
- (l) To except gifts, grants, donations or subsidies whether in cash or otherwise and to apply them for carrying out any of the subject of the Authority.

And

- (m) To do all such acts or things as the incidental to or consequential upon the exercise performance and discharge of its power duties and function under this statute.
  - (ii) In the exercise, performance and discharge of its power, duties and functions under the Sub-section (1) when implementing any programme a development work relating to road planning and improvement of roads it shall be the duty of the Authority to implement such programme or development work to consultation with any provincial Ministry, Department, Public Corporation or local Authority. That may have any right over, interest in or relevance to such programme or work.
  - (iii) The authority may exercise the power conferred on it by this statute in respect of a road maintained or regulated by a local Authority only, if such local Authority has expressed its approval or desire of such exercise.
  - (iv) If in any exercise of its power, duties and functions of a development programme related to planning and improvement of roads in relation to any road, it is incumbent upon the Authority, to write the Mayor, or Chairman or any local authority, the area of which included in such programme to attend the meetings held in relation to such programme under Sub-section (1).
8. (1) The Minister may, from time to time give the Authority, general or special directions as to the exercise, discharge and performance of the Authority to its power, duties and functions and the Authority shall give effect to such direction. Directions of The Minister
- (2) The Minister may from time to time direct in writing the Authority to furnish to him in such form, as he may require, returns, accounts and other informations with respect to the property and business of Authority and the Authority shall carry out every such directions.
9. (1) The Authority may delegate in writing to the Chairman or any officer of the Authority any of its powers duties or functions under this statute. Delegation of Power
- (2) Where powers, duties of functions are delegate under Sub-section (1) it is incumbent upon the Chairman, or the officer as the case may be on, exercise perform and discharges such powers, duties and functions in accordance with any directions that may have been given by the Authority when such delegation was made.

PART III

*STAFF OF THE AUTHORITY*

General Manager  
of the Authority

10. (1) The Authority shall with the approval in writing of the Minister, appoint a General Manager for the Authority.
- (2) The General Manager shall subject to the general direction of the Authority, on matters of policy, be change with the direction of business of the Authority, the organization and execution of the power, functions and duties of the Authority and the administrative control of the employees of the Authority.
- (3) The General manager may with the approval in writing of the Authority, delegate in writing to any other employee of the Authority, such of his power, functions and duties as he may from time to time consider necessary and any employee to whom may such powers, functions duties are so delegated shall exercise their subject to the general or special direction to General Manager.
- (4) The General Manager, may not be removal from the Authority without the prior approval of the Minister.

Employees  
exercise, appoint

11. (1) The Authority may appoint such number of the employees as it considered necessary to assist to General Manager, in the performance and discharge of this power, duties and functions under this statute.
- (2) Employees who are appointed under the Sub-section (1) shall exercise perform and discharge the power, duties and functions which may be assigned from time to time by the General Manager.
- (3) At the request of the Authority and the terms and conditions of his appointment an officer in the public service or provincial service, may be with the consent of that officer and that secretary of the Ministry of the Public Administration or the Governor as the case may be temporarily appointed to the staff of the Authority of such period as may be determined by the Authority or with the like consent may be appointed permanently such staff.
- (4) If the expenditure is to the incurred out of the Provincial Council funds, the approval of the Hon. Governor shall be obtained for making such appointments.

PART IV

*FINANCE*

Road Account of  
the Authority

12. (1) For the purpose of this Statute, the Authority shall have separate "Road Account" hereinafter referred to as the "Road Account".
- (2) The General Manager shall operate the road account in the Manner laid down.
- (3) The initial capital of the Road Account shall be Ten Million rupees. The capital shall be created to the Road Account from the provincial fund in instalments as may be determines by the Minister to the Board of Ministers charged with the subject of Finance in consultation with the Minister.

(4) The Road Account shall be subject to the provisions of the Part III of the Provincial Council Act, No. 42 of 1987.

13. Except for the initial capital of the Road Account the following funds shall be paid to the Provincial fund and then credited to the Authority the Road Account :-

- (a) All such sum of money as may be voted from time to time by the Provincial Council for the use of the Authority.
- (b) All such sum of money may be received for the Government and the Foreign Aid for the maintenance of Road Development.
- (c) All such sum of money as may be received by the Authority in the exercise performance and discharge of the power, duties and functions under the statute.
- (d) All the sum of money accruing to the credit of the Authority.

The fund of Authority

14. The General manager with the concurrence of the Chairman utilize the Road Account for the purpose of the defraying any expenditure incurred in the exercise of the power and the performance of the duties, and functions of the Authority under this statute the payment of remuneration to the member of the Authority, the payment of salaries and allowances the General Manager and payment of any other expenses under this statute.

Payment, out the Road Account

15. The Authority may with the consent of the Minister or accordance with the terms of any general or Authority given by him, borrow temporarily the way of overdraft or otherwise, such sums of money as the Authority may require for meeting the obligation of the Authority in discharge its duties under this statute provided that the aggregate of the amount outstanding in respect of any temporary loans raised by the Authority under this section, shall not at any time exceed such as may be determined by the Minister in consultation with the Minister in-charge of the subject of finance in the Board of Ministers.

Money borrowing power of the Authority

16. The financial year of the Authority shall be calendar year.

Financial year of the Authority

17. (1) The account of the Authority in respect of each financial year, shall be submitted to the auditor General, General, for audit before the lapse of six months from the end of the financial year, for the purpose of assisting him in the audit of such accounts, the Auditor General may employ the services of any qualified auditor or auditors who shall act under his directions and control.

The Audit of the Account of the Authority

(2) For the purpose of the meeting the expenses incurred by him in auditing the account of the Authority the Auditor General shall be paid from the funds of the Authority much remuneration as the Minister may determine.

(3) The Auditor General and any person assisting him in the audit of the account shall have access to all the books, deeds, contracts agreement, accounts vouchers and other documents as the Auditor General may consider necessary for the purpose of the audit and shall be furnished by the Authority or its officers with seek information with in their knowledge as may be required for such purpose.

(4) For the purpose of this Section the expression qualified Auditors means :

- (a) a individual who being a member of the institute of Chartered Accountants of Sri Lanka possesses a certificate to practice as an Accountants issued by the council of the institute.

Audit Report (b) a firm of chartered accounts each of the partners of which, being a member of the institute possesses a certificate to practice on an account issued by the council of the institute.

18. (1) The Auditor General shall examine the accounts of the Authority and furnish Audit report.

(a) Stating whether he has or has not obtained all information and explanations required by him.

(b) Stating whether the accounts referred to in the report on properly drawn up so as to exhibit a true and fair view of the affairs of the Authority.

And

(c) drawing attention to any time in the account which in his opinion may be of interest to provincial and any examination of council the activities and account of the Authority.

The Audit Report and the report annual activities to of the to be submitted to Minister

(2) The Auditor General shall submit his report to the Chairman together with the audit accounts.

(3) Officers of the Authority shall take action to forward all files/shall allow to audit the accounts and shall furnish all necessary information at any time when required by the Auditor General or by the Provincial Director of Audit.

19. The Chairman shall on the receipt of the audit accounts and the Auditor General report each year, transmit such report and such accounts together with the statements of the activities of the Authority during the financial which such reports related the Minister who shall cause copies thereof to be laid before the Provincial Council within twelve months of the close of the financial year.

#### PART V

#### GENERAL

The land utilization

20. (1) Where the minister if the opinion that the land within province is required for the purpose of this statute there, he may,—

(a) if the land is state, request the President of the Democratic Socialist Republic of Sri Lanka in terms of the provisions of Para 1: 3 of the appendix II to list I of the with 18 Schedule to the constitution, that the land be made available to the provincial council for the purpose intended.

(b) if the land in private request the Board of Ministers to acquire the land under the provisions of the Land Acquisition Act, for the purpose on behalf of the Provincial Council.

(2) In the event of president of Democratic, Socialist Republic of Sri Lanka or the Minister of the Cabinet of Ministers charged with the subject to land, as the case may be make such lands available to the provincial Council, it shall be used only for that purpose, subject to any stipulations and conditions imposed at the time the land was given by the President of Democratic Socialist Republic of Sri Lanka or the Minister of the Cabinet of Ministers charged with the subject of land, as the case may be including the payment of compensation.

21. It shall be lawful for the Chairman of the Authority or officer, generally or specially authorized by him in writing after giving at least seven days notice inviting to the owner or the occupation of any land or premises, situated within the province, to enter upon such land or premises and there do such acts as may be reasonably in the opinion of the Chairman or the officer, necessary for the purpose of carrying out any work, connected with road development or with the exercise of any power or discharge or any function of the Authority. Any Power to enter any land

22. (1) The Minister may make regulations for the purpose of carrying out of giving effect to the principle and provisions of this statute, and for all matters which were required by this statute to the prescribed or in respect of which regulations are required to be made. Regulation

(2) Every regulations made by the Minister, shall be published in the *Gazette* and shall come into operation are the date of such publication or on such later date as may be specified therein.

23. A person who violated a provision in the statute or a regulation made there under or who fail to comply with it shall be guilty of an offence. Under this statute when convicted summarily before Magistrate shall be liable for fine not exceeding one thousand rupees or for in-prisonment of either duality for a period not exceeding two year or both fine and in-prisonment. Penalties

In this statute,—

24. Interpretation

“Minister” means the Minister of the Board of Ministers of the Central Province, who has been assigned the subject of Highways.

“Government Agency” means a Government Department, Local Authority or a Public Co-operation.

“Governor” means the Governor of the Central Provincial Council.

“Finance Minister” means then Minister in-charge of the finance of the Central Provincial Council.

“Improvement of Roads” includes widening any roads, the leveling of roads provisions of pavements for use of pedestrians, the treatment of a road s for mitigating, the nuisance of dust, the planting of trees and laying out of grass margins in road, and the doing of any other work in respect of roads beyond ordinary repairs essential to placing of any assisting road in a proper state or repair.

“Local Authority” means Municipal Councils, Town Councils or Pradeshiya Sabhas and including any Authority created and establishment by or under any law to exercise perform and discharge powers duties and functions corresponding or similar to the power, duties and functions exercised performed and discharged by the such councils.

“Province” means the Central Province of Democratic Socialist Republic of Sri Lanka.

“Provincial fund” means the provincial fund referred to the section 19 of the No. 42 of 1987 of the Provincial Council Act.

“Provincial Council” means the Provincial Council of the Central Province of the Democratic Socialist Republic of Sri Lanka.

“Public Corporation ” means any corporation, Board or other body which was or is established by or under any written law other than the companies, ordinance with funds or capital wholly partly provided by the Government - by way of Grant, Loan or otherwise.

“Roads” has the same meaning as in the through fares ordinance but does not include a Highway, belonging to the Government.

“Road Development” means construction of new road, maintenance and development of any road. Widening and leveling of any road, supplying for pavement for pedestrians, deorsing of dust on the road, improvement of the road and planting trees and grass belt of the road reservation and other repairing works of the road within the Central Province.

Sinhala Text to prevail case of in consistency

25. In the event of any in consistency between the Sinhala and Tamil Text of the statute the Sinhala text shall prevail.

08-1088/1

My No.: CPC/AS/1/STATUTE/2007.

## CENTRAL PROVINCIAL COUNCIL

### Central Provincial Council Statute No. 01 of 2006 of Co-operative Employees Pensioners' Scheme

IT is hereby notified that council Statute No. 01 of 2006 of Co-operative Employees Pensioners' Scheme was submitted to the Council meeting on 08th May, 2007 and after unanimously adoption by the Council. It was approved by the Hon. Governor on 06th July, 2007.

P. B. WIJAYARATNE,  
Council Secretary,  
Central Provincial Council.

Council Secretariat,  
P. O. Box. 07,  
Pallekelle,  
Kundasale.  
14th August, 2007.

## THE CENTRAL PROVINCE CO-OPERATIVE EMPLOYEES PENSION STATUTE

This is aimed at increasing the efficiency of the present Co-operative employees of the Central Province by protecting their retirement life. This bill is for the purpose of following procedure in this regard.

Short Title and date of effective

01. This Statute may be cited as the Central Province Co-operative Employees Pension Statute No. 01 of 2006.

CHAPTER 1

It will come into effect on the day of publication in the Government *Gazette* which shall be done after the approval of the Honourable Governor.

02. The Co-operative Employees Pension Control Board to be established under this statute shall be a body Corporate with perpetual succession common seal and hold property and enter into agreements and may sue and be sued in its corporate capacity. Body corporate.
03. (a) The Pension Control Board to be established under this Statute shall consist of not more than five persons in number. Pension Control Board.
- (b) Two members out of them shall be the officer holding the post of Co-operative Commissioner and the Registrar of Societies and the officer holding the post of Secretary of Co-operative Employees Commission at the time.
- (c) (i) The Remaining 03 members who possess requisite qualifications under section 21 of this Statute shall be appointed by the Minister in charge of the subject of Co-operatives at the time. The tenure of office of the members to be appointed by the Minister shall be five years.
- (ii) However, if the post of a member appointed by the Minister falls vacant, the Minister shall appoint another person for the remaining period of time of such vacancy.
- (iii) The Minister shall remove any member appointed by him, and shall appoint any other person. Such an appointment shall be made only for the remaining period of time of the post.
04. The Pension Control Board shall decide :—
- (a) the pension beneficiaries with qualifications specified by this statute. Powers of the Pension Control Board.
- (b) giving a decision after considering an appeal regarding dividends payable to a pension beneficiary.
- (c) administration of the Pension Fund and administrative expenses.
- (d) the Institutions in which the deposits of the Pension Fund shall be invested and of the percentage from time to time.
- (e) establishment of an office if necessary and the facilities needed for maintaining a staff.
- (f) institution of legal action on behalf of the Control Board, abandoning and settling of such legal actions.
- (g) maintaining Bank Accounts in a State Bank.
- (h) proposing and implementing a welfare scheme for its employees.
- (i) give effect to the provisions of this Statute regarding surcharges imposed on delayed contributions and fines.

- (j) recruitment of staff to carry out the activities of the Pension fund, taking disciplinary action and payment of staff salaries.
  - (k) taking all necessary actions to achieve the objectives of this Statute.
- Chairman of the Pension Control Board.
05. There shall be a Chairman for the Pension Control Board and he shall be appointed by the Minister in Charge of the subject of Co-operatives.
- Secretary.
06. (a) There shall be a Secretary to the Pension Control Board. He shall be the officer holding the post of Commissioner of Co-operative Development and the Registrar of Co-operative Societies at the time.
- (b) He shall attend the meetings of the Control Board compulsorily and shall maintain the reports of such meetings.
- (c) He shall be in-charge of office administration and the staff.
- (d) The Secretary shall make all necessary arrangements to maintain separate individual accounts in respect of each contributor of the pension fund.
- Meetings of the Pension Control Board.
07. (a) The Quorum of a meeting of the Control Board shall be three members.
- (b) The Secretary shall summon all meetings of the Control Board on the advice of the Chairman.
- (c) The Chairman is entitle to a discretionary vote in the event of an equation of number of votes regarding any proposal.
- (d) The control Board shall meet at least once a month, and when no instruction is received to summon meetings for two consecutive terms the Secretary has the power to summon the meetings on such occasions.
- (e) When the Chairman is not present at any meeting, any member present at the meeting shall be elected as Chairman.

CHAPTER 2

THE PENSIONS FUND

08. A Pension Fund Shall be inaugurated and be maintained for the purpose of implementing the Central Province Co-operative Employees Pension Scheme.

- (a) The Pension Fund shall be supported by following contributions :-
- (i) Contributions of the members of the Pension Fund determined by the rules and regulations to be framed under this Statute ;
  - (ii) Pension gratuities to be paid to the employees by the Co-operative Societies.  
  
Such contribution shall be paid to the employee on the date of his retirement, with interest to be determined by the Pension Control Board subject to the provisions of the regulations under this Statute ;
  - (iii) Annual allocations of the Provincial Council ;
  - (iv) Money receiving from the Co-operative Fund from time to time ;

- (v) All donations receiving from the Government, or the Provincial Council or from any other Institution ;
- (vi) Dividends receiving by investing the money collected to the Fund ;
- (vii) Fines and Surcharges levied under the provisions in this Statute ;
- (viii) Contributions receiving from the profits of the societies payable according to the regulations to be framed under this Statute ;
- (ix) The balance of the life beneficiary fund and the sums of money to be collected to the same ; presently maintained by the Co-operative Societies on behalf of its employees;
- (x) Any other sums of money receiving from benevolent sources.

### CHAPTER 3

#### PENSION BENEFICIARIES

09. (1) All permanent employees of all Co-operative Societies in the Central Province, registered by the Registrar of Co-operative Societies under the Co-operative Societies Statute No. 10 of 1990, as amended by the Co-operative Societies Statute No. 04 of 1993 (amended) of the Central Provincial Council and under the Co-operative Societies Act, No. 05 of 1972 of the National State Assembly or under any act repeated by the said Act, are entitle to join the pension scheme to be established under this Statute.
- (2) The following qualification shall be fulfilled for enrolment in the Pension Scheme :-
- (a) A permanent employee approved by the Co-operative Employees Commission according to the personnel cadre determined by the Commissioner of Co-operative Development.
  - (b) A person who has given his option for enrolment in the pension scheme to be established under this Statute.
- However all employees recruited on and after the inauguration of this scheme shall compulsorily be contributed to this Pension Scheme.
- (c) An employee who is already in service, on the date the Minister shall notify the commencement of payments under this Pension Scheme, shall give his option within six months. The pension contribution of such employee who gives his option in this manner shall be recovered and be remitted to the Pension Fund by the Society with its share of contribution as provided in the regulations.

#### PAYMENT OF PENSIONS BENEFITS

10. (a) The payment of pensions shall be commenced from a date to be notified by the Minister in-charge of the subject of Co-operatives.
- (b) (1) An employee entitles to receive a pension on the completion of 60 years of age and becomes entitle to a pension after retirement.

- (2) An Employee shall have completed at least 10 years clear service to receive a pension.
- (3) An employee who is dismissed from service or vacates or resigns from service shall not be entitle to a pension although he has contributed to the Pension Fund.
- (4) However an employee who gives up his service in order to join another job can obtain his pension contribution and the interest whenever he requests.

(c) An employee in the permanent service at the time of introduction of this Pension Scheme, who has no time to complete 10 years service ; but possessing required qualifications, is entitle to a pension by completing the remaining installments of the 120 installments of the 10 years time period, not withstanding whatever mentioned under the above section 12(b)(2).

(d) An employee who has not completed 60 years of age, and paid all the installments continuously at least for 10 years and having 10 years clear service, if proves that he is disable and cannot continue in service, the Pension Control Board on the recommendation of a medical board appointed for the purpose, has the power to decide that such an employee is qualified for pension from the date that he becomes disable on accepting him as claimant for pension.

(e) In the event of a death of a pension beneficiary or an employee who is entitle for pension, who has paid his pension contributions continuously for 10 years, a 50% of the pension that the deceased is entitle to, is payable to his spouse if she is qualified for the same, and if she is not qualified, such 50% is payable to his children who are under 21 years of age and to children who are fully disable on the decision of the Pension Control Board.

Disqualified spouse

(f) In the event of a death of an employee who has not completed 10 years service continuously, his/her amount of contribution or interest is payable to his spouse who is qualified to receive the same. If the spouse is not qualified, the contribution and the interest is payable to his children.

A spouse is disqualified to receive a pension if she is a divorcee ; contracting another marriage on the death of pensioner or having an employment. However receipt of another pension and having a permanent employment are not disqualifications for receiving the contributions and interest of a pensioner.

#### CHAPTER 4

##### FINES AND SURCHARGES

Payment of contributions and forwarding reports.

11. (1) Pension contribution receiving, under section 8 (a) (i)(ii)(ix) of this State from an employee or from employees of any Co-operative Society shall be forwarded to the Pension Fund within three months after the end of relevant month. A report shall also be accompanied certified by the Chairman and the General Manager, under Section 8(a) (i)(ii)and (ix) classifying by name, the employees contributions.

Fines.

(2) When forwarding contribution after the specified date under the above sub-section, and within one month, a fine of 5% and if forwarded within two months, a fine of 10% and with three months fine 25% and on the lapse of three months a fine of 50% shall be paid along with the said contributions.

(3) The Control Board may have the power to grant concessions in respect of fines according to any situation.

CHAPTER 5

DEFAULT OF PAYMENT OF CONTRIBUTIONS AND FINES

12. (1) When both employee contribution and their retirement gratuity money or any one of the two is not paid to the pension fund as specified in this Statute and is allowed to lapse for a period of 05 months any registered Co-operative Society, a final order of notice shall be issued by the Pension Control Board to pay such amount of money and fines within 14 days. Aforesaid final order may be issued on the lapse of five months without any relief or concession. In the event of not carrying out the order, a certificate shall be issued by the Pension Control Board to the District Court or to the Magistrate Court having jurisdiction. over the area where such registered society is carrying on business or over the area where such person or group of persons, or any officer or an employee to whom such order has been served is resident or an area where such business is being carried out. Such certificate shall be certified by the Chairman and the Secretary placing their seal.
- (2) A certificate including such amount of money and fines and name of defaulter or defaulters of such contributions and fines shall be issued to any District Court having jurisdictions over the District where such defaulter owning any movable or immovable property is situated.
- (3) When there is a capability of paying the contribution and fine in cash, by a defaulter, a certificate containing the income of defaulter, the last known place of his business or the place of residence may be issued to the magistrate having jurisdiction over such area.
- (4) Whenever a certificate has been issued to a District Court under Sub-section (2), such District Court after receiving the same shall direct a writ of execution to issue to the fiscal, authorizing and requiring him to sell by ceasing and by prohibiting all movable and immovable property of such defaulter or any portion of such property deemed to be necessary by the said fiscal for the purpose of recovering such contributions and fines from the defaulter. Provisions of Section 226 and 297 of the Civil Procedure Code shall be applicable with necessary amendments for ceazure and sale of such property. Property.
- (5) Where a certificate has been issued to a Magistrate under sub Section (3), the amount shall deemed to be a fine imposed by a sentence of the Magistrate on such defaulter for an offence punishable with fine only and or not punishable with imprisonment. The provisions of section 291, except paragraph (a) and (d) of Sub-section (1) of that section of the Criminal Procedure Code Act, No. 15 of 1979 shall thereupon apply, and the Magistrate may make any direction which by the provisions of that Section, he could have made at the time of imposing such sentence.
- (6) Where the Pension Control Board issues a certificates under this section, a notification shall be issued to the defaulter thereof by personal service, registered post or by telegraph ; but non-receipt of such notification by the defaulter shall not invalidate proceedings under this section.
- (7) Nothing in this section shall authorize or require a District Judge of a District Court or a Magistrate of a Magistrate Court, in any proceedings thereunder to consider, examine or decide the correctness of any statement in the certificate of the Pension Control Board.
- (8) Any sum realized by a sale under Sub-section (4) and any sum paid or levied under Sub-section (5) shall be transmitted by the District Court or Magistrate Court as the case may be, to the Pension Control Board monthly.

CHAPTER 6

MISCELLANEOUS

Provisions when an employee has no continuous service

13. Any employee who contributes to the Pension Fund, if joins another Co-operative Society in the Central Province, such new society shall recover the pension contributions of that employee and remit the same to the Pension Fund as provided in the regulations and as determined under Section 10(1) of this Statute.
14. Disability to remit pension contribution continuously by an employee on account of the cancellation of registration of a society and thereby stoppage of all its activities shall not be considered a disqualification and he may complete his continuous contributorship by settling all installments in arrears when joining another society. In the event of his failure to join another society or when the 10 year period is not completed a refund of pension contribution and interest can be obtained.
15. The above Sub-section shall be effective when an employee is reinstated after interdiction or when an employee is removed from service as a result of excess of staff.

The Minister has power to frame regulations

16. Regulations required to enforce the principles and provisions of this Statute shall be framed by the Minister in-charge of the subject of Co-operatives in the Central Province.
17. Regulations framed according to powers vested under Section 16 above, shall not be effective unless and until such regulations are approved by the Provincial council. A notification regarding such approval shall be published in the Government Gazette
18. After the publication of the notification specified under Section 17, all regulations shall be effective and forceful as having enacted under this Statute.

Power of removal of Control Board to the Secretary.

19. In the event of pension control Board acting in contravention for the provisions of this Statute and the regulations framed under the same or if it appears that the Control Board is unable to discharge its duties efficiently as expected, the Secretary to the Ministry has the power to appoint a Control Board consisting not more than 03 members, one of them being appointed as Chairman, for a period of 02 years, after consulting the Minister in-charge of the subject of Co-operative, not withstanding anything mentioned under the provisions of this Statute in respect of the constitution of the Control Board or the posts of Secretary of Chairman. However members of such Control Board shall be appointed from those who are qualified under Section 21 of this Statute.

Provisions for the inaugural Control Board.

20. The Minister shall have the power to appoint a Board of Control consisting not more than five members from those who are qualified under Section 21 of this Statute for a period of three years, from the date of commencement of this Statute not withstanding anything mentioned in this Statute in respect of the Constitution of the Board of Control, its Chairman and Secretary.

Qualificatoin for appointment to the Control Board.

21. The members of the Board of Control shall be retired officer of the Public Service, or State Corporation or duly constituted Board of Authority of executive officers in the Co-operative Sector.

CHAPTER 7

STATUTE AND THE VIOLATION OF REGULATIONS

22. (1) For the purpose of this Statute, every registered society or an officer, or employee thereof which or who willfully neglects or refuses to do any act or to furnish any information required for the purpose of this Statute, when ordered by a person duly authorized by the Board of Control and who willfully or without any reasonable excuse disobeys any summons or order under the provisions of this Statute, or fails to furnish any information lawfully required from him by a person authorized to do so, and every registered society or officer or employee thereof which or who willfully furnishes a false report or return or furnishes any false information, shall be guilty of an offence under this Statute.
- (2) Every person who commits any offence referred to in Sub-sections (1) shall on conviction after summary trial before a magistrate, be liable to imprisonment of either description for a period of two years or a fine not exceeding twelve thousand rupees (Rs. 12,000/-) or to both such imprisonment and fine, not withstanding that such imprisonment and fine, exceeds the ordinary jurisdiction of a Magistrate.
- (3) Where any offence under this Statute is committed by a registered society, every officer of the society bound by the by-law or the rules, to perform any duty thereof or if there is not such officer, then every member of the committee, unless that member is proved to have been ignorant of or to have attempted to prevent the commission of the offence, shall be liable to the same penalty as if he had committed the offence.
23. The Minister shall decide from time to time the remuneration of members of the Pension Control Board and the Secretary.

CHAPTER 8

FINANCIAL ACTIVITIES, ACCOUNTS AND AUDITING

24. (a) (i) All sums of money remitted to the pension contribution fund shall be invested with full security and shall do so on the decision of the Control Board.
- (ii) All payments to every pension beneficiary shall be approved by the Pension control Board. Financial activities
- (iii) All payments shall be made as provided in the regulations.
- (b) It is the duty and responsibility of the Pension Control Board to make arrangements to maintain accounts as directed and provided in the regulations. Accounting
- (c) (i) An annual administration report with an income and expenditure account of the pension fund shall be forwarded to the Secretary of the Ministry of Co-operatives of the Central province once in every Calendar year and the same shall be forwarded to the Provincial Council through the Minister in-charge of the subject of Co-operative. Auditing and inspection
- (ii) The Secretary of the Ministry shall refer the report mentioned above to the Auditor General or to a suitable Audit Association or a group of auditors.

- (iii) The Secretary of the Ministry has the power to inspect and audit the activities of the Pension Fund and shall delegate such power to others.
- (iv) It is the duty and responsibility of the Pension Control Board to take immediate action to avoid and rectify defects and shortcomings revealed by the audit inspection.
- (v) In the event of the Pension Control Board acting in contravention of this Statute the regulations, the Secretary has the power to remove the public officers and to recommend to the Minister for removal of members of the Pension Control Board appointed by the Minister. The Secretary also has the power to appoint an alternative Control Board after consulting the Minister in the event of such a situation. Appointments, in this instance shall be made from those who fulfill the qualifications specified under Section 20.

power to remove  
the Control Board.

25. In this Statute unless the context otherwise requires :—

Interpretation

“Control Board” means the Control Board of the Co-operative Employees Pension Fund.

“Employee” means an employee of a registered Co-operative Society and “Society” or “Registered Society” means a Co-operative Society registered under Co-operative Act or the Statute.

“Minister” means a person appointed to perform the duties and functions of the Minister in-Charge of the subject of Co-operative in the Central Provincial Council under this Statute.

“Chairman” means the Chairman of the Control Board of the Pension Fund of Co-operative Employees.

“Officer” means a Committee Member or a Director or Chairman or Vice Chairman of a Co-operative Society.

“Secretary” means the Secretary of the Pension Fund.

“Secretary of the Ministry” means the Secretary of the Minister in-charge of the subject of Co-operatives in the Central Provincial Council.

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