



# Gazette of the Democratic Socialist Republic of Sri Lanka

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(Published on governmental authority)

## Section IV (a) - Provincial Councils

(Separate page numbers are assigned to each language in each section, so that they can be filed separately)

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to be considered - (i) (Matara Ahadiya Society (Incorporation) Bill and Attidiya Manthimullah Sri Dharmasoka Viharastha Vidarakshaka Sabhawa (Incorporation) Bill, was published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of April 30, 1992

(ii) The Local Treasury Bills (Amendment) Bill and the Fauna and Flora Protection (Amendment) Bill were published as Supplements to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of May 08, 1992.

(iii) Association of Sri Lanka Journalists (Incorporation) Bill and Piliyandala Dhamma Shastrodaya Pirivena Viharastha Sanwardena Sabhawa (Incorporation) Bill, were published as Supplements to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of May 14, 1992.

(iv) the Visually Handicapped Rehabilitation Trust Fund Act, No. 9 of 1992 of the Parliament of the Democratic Socialist Republic of Sri Lanka, the Sri Lanka National Development Bank (Amendment) Act, No. 10 of 1992 and the Co-operative Societies (Amendment) Act, No. 11 of 1992 were Published as Supplements to Part II of the Gazette of the Socialist Republic of Sri Lanka of March 06.

### Notices to be accepted for publication in the Weekly Gazette

#### Important announcement

This section focuses on the announcement of the last date and time of receipt of the gazette notifications published in the first week of each month on the front page of each section of the Gazette of the Democratic Socialist Republic of Sri Lanka.

Gazette Notifications to be published in all sections of the Gazette will be closed at 12 noon on Friday, two weeks before the date on which the Gazette is published. Correspondingly the deadline and times specified in job vacancies, tender ads, auction ads, etc. - that is, to give the advertiser plenty of time between the days of sending and publishing to the Government Press, to be beneficial to everyone interested in the content of those ads. All departments, corporations, etc. to make room for accommodations This is demanded etc deliberations.

All notices sent for publication in the Gazette should be sent to the Government Press on or before 12 noon on 9th October 1992, two weeks before the date on which the Gazette is published. .

On January 1, 1992,  
Government Press, Department,  
Colombo .8

Neville Nanayakkara,  
Government Printer.

Reference Number - CM / B / 03/03

**Sabaragamuwa Provincial Council**

Payment of Salaries and Allowances (Amendment) Draft Statute

I hereby announce that the Payment of Salaries and Allowances (Amendment) Draft Statute published as follows shall be produced by the Sabaragamuwa Provincial Council at the end of ten days from the date of its publication in this Gazette. If anyone has any material to produce regarding the provisions of this Charter they shall be submitted to me within the said ten days.

Abeyratne Bandara Herath Pilapitiya,  
Chief Minister,  
Sabaragamuwa Provincial Council.

**Provincial Councils (Payment of Salaries and Allowances) Charter (Amendment) No. 1992**

**The Sabaragamuwa Provincial Council of the Socialist Republic of Sri Lanka imposes the following:**

02 This statute may be cited as Provincial Councils (Payment of Salaries and Allowances) Statute No. 1 of 1992 (Amended).

The Provincial Councils (Payment of Salaries and Allowances) Statute No. 2 of 1989 is amended as follows:

(1) Section 2 is omitted and replaced with the following:

(2) On and after 01.06.1992-

(A) it is payable — (i) a sum of Rs.5000 as the monthly salary and allowance of the Chairman of the Sabaragamuwa Provincial Public Service Commission,

(B) a sum of Rs.4000 as the monthly salary and allowance of a member of the Sabaragamuwa Provincial Public Service Commission.

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**Regulations and Orders made under Sabaragamuwa Province Business Name Charter No. 08 of 1990 of the Provincial Council of the Sabaragamuwa Province, Democratic Socialist Republic of Sri Lanka**

Under section (7) 2of the Regulations and Regulations enacted under the Business Names Convention of the Sabaragamuwa Province, No. 8 of 1990 published in Section iv (b) of the Democratic Socialist Republic of Sri Lanka Article "Divisional Secretariats in the Kegalle and Ratnapura Districts of the Sabaragamuwa Province Appointed as Registrar of Names and Senior Assistant Secretary of the Ministry of Industry and Commerce, Additional Business Registrar of Businesses.

H. R. Jayatilake Podinilame,  
Minister of Industry, Transport and trade

Sabaragamuwa Provincial Council, Ratnapura  
Ministry of Industry, Transport and Trade.

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My Number: MAP / A / 12 / 90xii)

**Central Provincial Council**

The following Declaration was passed unanimously at the Central Provincial Council Meeting on 26th November 1991, and it is hereby notified that it has been approved by the Governor of Central Province by the letter dated 08th January, 1992 bearing No. GCP/AS/3.

G. R. Ranasinghe,  
Secretary of the Council,  
Central Provincial Council.

August 17, 1992,  
Central Provincial Council Secretariat,  
P.O.Box 92,  
Pallekele,  
Kundasale.

**Co-operative Employees' Commission Statute No. 14 of 1990**

A statute to establish a Central Provincial Co-operative Employees Commission and to provide special provisions for the Employees of Central Provincial Co-operative Societies and to provide for matters connected therewith and incidental thereto.

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

01. This Statute may be cited as the Co-operative Employees Commission Statute No. 14 of 1990 of the Central Provincial Council of Sri Lanka and shall be effective from the date of the approval of the Governor of the Central Province.

Short title and effective date

02. By a Gazette notification issued by the Minister: -

(A) any class of Co-operative Societies to be specified therein;

(B) any co-operative society which has to be so specified;

can be exempt from the upcoming provisions of this Statute and it shall be read and understood that wherever the term "co-operative society" applies to such provisions that it is a co-operative society to which such order is ineffective for the time being.

Power of the Minister to exempt the Co-operative Societies from the provisions of this Charter

### Part 1

03. For the purposes of this statute, an authority called and known as the Co-operative Employees Commission of the Central Province shall be established.

Establishment of Co-operative Commission

04.(1) The Commission shall comply with the provisions of this clause.

Composition of the Commission

(2) The Commission shall consist of three persons appointed by the Chief Minister of the Province.

(3) If a person -

(a) is an employee or former employee of a cooperative society: or

(b) a member of any staff union or trade union with the purpose of preparing Salaries, Wages or Conditions of Service for any category of persons employed by Co-operative Societies or with one of these purposes according to the Minister's opinion, or

(c) a person who is an officer of a co-operative society according to the law of co-operative societies; or

(d) a person who is a Member of Parliament or a Member of Provincial Council or a member of a Local Government Institution at the present time;

Such person shall be disqualified from being appointed as a member of the Commission.

05. The Commission shall be a legal corporation with a common seal of publicity and shall be able to sue and be sued by and through its regular corporation status.

That the Commission should be a Legal corporation

06. Each member of the Commission shall hold the post for a period of three years from the date of his appointment.

Term of office of members

However, regardless of the term of office of such appointment –

(a) Such member may at any time resign from his position or be dismissed by the Minister. Furthermore,

(b) Any such member shall vacate his post after he has become disqualified under Article 4 (3).

Further, any person appointed to fill any vacancy caused by the death, resignation or dismissal or vacancy of a member, whether he/she has been appointed to replace a member, the term of such member shall be equal to the remainder of the previous person's tenure and shall not exceed beyond.

07. (01) The minister shall appoint one of the members of the commission to be its Chairman. The Chairman shall preside at all the meetings of the commission he is present. In the absence of the Chairman from any meeting of the commission, one of the two members present may preside.

Chairman and Conduct of Business

(02) Two members shall constitute the quorum for a meeting of the commission.

(03) If at any meeting only two members of the commission are present and such members are divided in opinion as to the decision to be taken on any question, such question shall be referred to a meeting at which the three members of the commission are present.

(04) If at any meeting, at which the three members of the commission are present, the members of the commission divided in opinion as to the decision to be given on any question, such question shall be decided according to the opinion of the majority of the members present, but if the members are equally divided, then the Chairman shall have a casting vote.

(05) The commission may regulate its own procedure in any matter not provided for in this statute or any regulation made there under.

(06) Any act or proceeding of the commission shall not be invalid by the reasons of the existence of a vacancy among its members.

08. The Chairman and members of the commission shall be paid such remuneration and such allowances as may be determined by the minister, in consultation with the Minister of Finance of Central Provincial Council.

Remuneration of members

09. (1) There shall be a Secretary to the commission who shall be a member of Sri Lanka Administrative Service.

Secretary and other officers

(2) The other members of the staff of the commission shall be appointed from the Provincial Public Service.

10 (1) Members of the Commission shall, on their first appointment, make an oath or affirmation in the format specified in the Schedule to this Statute

Taking of oaths by members and officers of the commission

(2). Other officers of the Commission who may be prescribed by the Chairman of the Commission to make an oath or affirmation shall do so on their first appointment, in the format specified in the Schedule to this Statute.

11. (1) The Commission shall have the following powers: -

Powers of the Commission

- (a) Policies to be followed by the unions in all matters relating to recruitment methods of employees of Co-operative Societies and their conditions of service and upon appointment and promotion from one post to another of the same co-operative society shall be determined.
- (b) Conduct examinations for recruitment when necessary and appoint Boards of Examiners for the purpose and determine fees for the examination as such.
- (c) Determines the qualifications necessary for appointment, fix the scales of salaries to be attached to any such post or posts in any class or grade, revise or adjust such scales of salaries from time to time in consultation with the Commissioner; and the establishment of advisory function organizations that may be considered necessary by the Commission to assist the Commission in determining the remuneration and working conditions of cooperative employees.
- (d) To require co-operative societies to pay salaries in accordance with the salary scales fixed by the commission for any post or posts in any class or grade.
- (e) Determines the procedures to be followed by Co-operative Societies in exercising their rights of disciplinary action against their employees, to call upon any Co-operative society to complete disciplinary inquiries against its employees within a time stipulated by the commission and Inquires the appeals raised on disciplinary action of any Co-operative Society

- (f) Ordering a particular co-operative society to keep a proper record of its employees
- (g) To be called upon any Co-operative Society to furnish or forward before a specified date such files, other documents or information as the commission may require in respect of any employee of the society.
- (h) A panel or panels of officers shall be nominated to make inquiries as are necessary on appeals that referred by the commission to such panel or panels and to reports thereon to the commission.
- (i) To order the co-operative society to implement the instructions given by the Commission on an employee including instructions on his return when an employee of a Co-operative Society appeals to the Commission against the decision of the Society where his/her conduct has come under investigation.
- (j) To determine the general principles in accordance with which gratuity or other benefits may be granted to employees on the termination of their services.
- (k) To advise the minister, in consultation with the commissioner, in the exemption of any Co-operative Society or class of Co-operative societies from the operation of this statute;
- (l) To exercise such other powers in relation to Co-operative societies and their employees as may be vested to the commission by order made by the Minister and published in the *Gazette* after the approval of the Provincial Council.

2. (1) In the exercise of the powers vested to the commission by sub sections (6) and (12) above, the commission may modify, vary or revise or set aside any decisions or orders made by the commission.,

12. The expenses of the commission shall be paid out of the money provided for the purpose by the Provincial Council by annual budgets.

Financial Provisions
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## Part 2

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

The Co-operative Society shall be an employer
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14. A co-operative society and any employee of that union shall be subjected to the directions made by the Commission under this Statute and all decisions of the Commission to exercise and implement the functions and powers of the Commission under this Statute, except as otherwise required under Section 11 (2) of the Act, all Co-operative Societies and their employees not exempted from the implementation of this Statute by an order made under Article 2 by the Minister must adhere to those instructions.

That the Co-operative Societies and their employees shall be subject to the provisions of the Commission Employer
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15 All directions given by the commission with regard to any employee of any Co-operative Society, subject to the provisions of Section 11 (2) shall be final and binding upon such employee as if such directions were given by such society.

That they are bound to comply with the instructions of the Co-operative Employees Commission
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16 (1) Valid Terms and Conditions of Service of Co-operative Employees Commission Ordinance No 2 of 1972, shall remain valid till a period as that of the approved and imposed Terms and conditions of service of the Provincial Co-operative Commission.

(2) Every employee currently employed in the Co-operative Societies, if he wishes, may exercise the option of continue to serve under the terms and conditions of service applicable to him at the time of his appointment.

Express consent to accept the Terms and Conditions of Service
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(3) All employees who wish to remain in service under the terms and conditions of their employment at the time of appointment, will be required to accept the terms and conditions of service specified by this Commission if they accept a promotion offered after the imposing of their terms and conditions of employment.

(4) All choices made under this section by accepting the terms and conditions of service specified by the Commission shall not be revoked.

17 (1) an employee can be ordered by the Commission at its absolute discretion, to satisfy the Commission by inquiry or otherwise. On the success and suitability of that employee to hold such post. Even so, the foregoing provisions of this subsection shall apply only for employees of any type or category which the Commission may prescribe.

Checking the service suitability of existing officers and setting up new working conditions

(2) (1) When The person holding the position where sub-section 1 applies, fails to satisfy the commission with regard to his/her success and suitability, the Commission shall endeavor to accommodate him in his will in a position that suits his ability and if that doesn't happen, then according to the terms and conditions of service applicable to him or after a justified postponement is granted in the absence of such terms, the Commission may, in its sole discretion, terminate his employment by the Co-operative Society in which he has served.

(3) (1) In the event the person holding the position in which subsection 1 applies chooses to accept the terms and conditions of service ordered by the commission, unless he satisfies the Commission in accordance with the provisions of subsection (1) and until he/she does so, he shall not be entitled to those terms and conditions of service.

18. (1) No person who has not resided within a district of the Central Province for at least two years shall be appointed to a post of a co-operative society in a district in the Central Province.

Residential Qualifications

(2) However, in the opinion of the Commission, if there is not a suitable candidate for a post of a Co-operative Society in that district, the Commission may permit the appointment of a suitable person from among the other districts in the province to fill the position.

19. Any person who has been appointed to a post of a Co-operative Society may be granted a salary scheme according to the type of the Society and the type and classes of workers determined under Section 29 (1).

Determining the salary scale of the employees according to the type of society

20. Notwithstanding any other provisions of this Statute, the Commission may appoint a person in the Provincial Public Service, who has been secondary to the service of the Society, to any post in that Society on the basis of such terms and conditions with the consent of the Provincial Public Service Commission, the person concerned and the Co-operative Society.

Secondment of Government Officers

21. Each Co-operative Society shall pay the salaries of its employees, other allowances, if any, out of its money.

Salaries of Co-operative Society Employees

22. (1) The Co-operative Society shall have the power to transfer any employee of that union from one place of work to the other, and such transfer shall not affect the wages of the employee when he is transferred for any reason other than disciplinary reasons.

Transfers of Co-operative Societies' Employees

(2) If the consent of each employer is obtained in advance, the Commission shall have the power to transfer an employee of one co-operative society to another co-operative society at the joint request of two employees holding similar positions.

23. No employee of a Co-operative society shall be dismissed or otherwise punished by any Co-operative society except in accordance with the provisions of this statute or any regulations made there under

Dismissing and Punishing Employees

24. (1) A Co-operative Society shall not, in any case, require any employee to deposit a security which is more than the due amount prescribed by the Commission.

Co-operative Society Employees  
'Security

(2) Any security deposited by an employee of a co-operative society shall be deposited in a bank in the name of the Society and any interest thereof shall be paid to that employee.

25. (1) Regulations;

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

Regulations relating to employees

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

(c) In respect of such other matters are deemed necessary, May be made by the Minister;

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

26. Every Co-operative Society shall-

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

Duties of Co-operative Societies  
regarding Employees

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

(c) Permit any member or employee of the commission authorized to enter any of its offices and inspect and take copies of any books, accounts, records or other document kept therein.

27. Every co-operative society who is an employer and every employee of that society shall pay any amount that may be legally stipulated as a regular subscription to the Employees Provident Fund.

Provident Fund

28. It is hereby stated that all employees, whether employed before or after the date of enactment of this Statute, are asserted to have been employed by the Society, to be employed in that Society and to be loyal to that Society.

that the co-operative employees are  
employees of the new society of  
the commission

### Part 3

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

Commissioner to grade societies  
and determine staff.

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

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

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

## Part 4

31. If in giving effect to the provisions of this statute any doubt or difficulty arises in respect of any matter or question for which no provision or no effective provision is made by this statute, the minister may, by order, remove or determine such doubt or difficulty. Every such order shall be published in the Gazette, and upon such publication shall have the force of law and be as valid and effectual as if it were herein enacted.

Removal of Difficulties.

32. (1) Unless otherwise expressly provided, the commission may make all such regulations as seem to the commission to be necessary for carrying out the provisions of this statute or giving effect to the principles thereof, including regulations for all matters for or in respect of which regulations are authorized or required to be made this statute, and all matters stated or required by this statute to be prescribed.

That the Commission may impose orders

(2) No such regulation shall have effect until it has been approved by the Minister and notification of such approval has been published in the Gazette.

(3) When any notice is published in sub-section (2) of the Gazette, the order to which that notice belongs to, must be valid as it is enacted herewith.

33. No action, prosecution or other proceedings whether civil or criminal shall be instituted or maintained against any individual member of the commission in respect of any decision taken or act done or omitted to be done by him in his capacity as such member or by the commission in its corporation capacity

Freedom of the Members of the Commission

34. Notwithstanding the provisions of this statute, Co-operative society may in the interests of its efficient operation.

Employing contracted or casual or daytime employees  
Employing contracted or casual or daytime employees

(1) The services of an expert or a specialist for any defined term on a contractual basis with prior approval of the commission or,

(2) Engage casual or daily paid employees or employees paid on a piece rate basis,

However that no permanency of tenure of the office shall be granted to such employees without the concurrence of the commission.

35. (1) (a) Which or who contravenes the provisions of this statute or,

(b) Which or who willfully neglects or refuses or fails to do any act required by the commission to be done, or to furnish any information required for the purposes of this statute by the commission or other duly authorized person or,

(c) Which or who willfully makes a false return or furnishes false information, Shall be guilty of an offence under this statute,

Offences

(2) (1) Every co-operative society or any person who commits an offence referred to in clause (1) shall be fined not more than Rs.1000, when convicted after a brief hearing before a magistrate.

(3) Where any offence under this statute is committed by a Co-operative society every officer of that society shall be deemed to be guilty of the offence, unless he proved that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(4) On the conviction of any Co-operative society for failure to carry out any instructions given by the commission as require the reinstatement of any employee, such Co-operative society shall be liable.

(i) To pay, in addition to any punishment that may be imposed on such Co-operative society under sub-section (2), a fine of Rs. 50 each day on which the failure is continued after conviction thereof and,



- (ii) on the basis of each fine and the instructions of the Commission, during the period beginning from the date when the employee had to be reinstated ending on the date the society was found guilty, if the employee was in the office each day, and had he not been terminated, the remuneration calculated as per his/her entitled salary or wages of the employee, shall be paid to the employee. Any amount that a co-operative society is liable to pay under subsection (ii) of this section may be recovered as a fine to the society by a court order of the court that convicted the cooperative society, the amount so deducted shall be paid to that employee.

36. Every person who, otherwise than in the course of his duty, directly or indirectly, by himself or any other person, in any manner what so ever influences or attempts to influence any decision of the commission or any member thereof, shall be guilty of an offence, and shall, on conviction after summary trial before a magistrate, be liable to a fine not exceeding Rs. 1,000 or to imprisonment for a term not exceeding one year or to both such fine and such imprisonment.

Interference with the omission.

37. No member of this commission, nor the secretary of the commission, or any member of the staff of the commission, nor other persons shall publish or disclose to any person, otherwise than in the exercise of his official functions, the contents of any document, communication or information what so ever which has come to his notice in the course of his duties.

Unauthorized disclosure of information prohibited.

38. No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the commission or any member, or officer thereof, and any Co-operative Society or any member of the committee of management of such society or officer of thereof or between any member or officer of the commission in the exercise of, or in connection with the exercise of any of the functions of the commission unless the, Chairman shall consent in writing to such production or disclosure.

Communications of the Commission to be privileged.

39. Nothing in the Industrial Disputes Act shall apply to or regarding the Commission or to or regarding any co-operative society as an employer or to an employee if employed in a co-operative society. Or else shall not be interpreted or considered as applicable.

That certain statutes do not apply to co-operative societies and their employees

40. In this statute, the term "commission" means the Central Provincial Co-operative Employees Commission, except where otherwise necessary in connection with the words.

"Commissioner" means the Commissioner of Co-operative Development of the Central Province and the Registrar of Co-operative Societies.

"Co-operative Societies" means a society in the Central Province registered under the laws of the Co-operative Societies.

"Employee" means an employee of a co-operative society.

"Prescribed" means prescribed by orders made by the Commission.

“ District ” means the districts in the Central Province.

“Minister” means the person appointed to perform the duties of the Minister in charge of the subject of Co-operative Development in the Central Province.

In the event of a confusion in the understanding of this statute, the communication, idea and meaning of the English version shall be affected.

**Affidavit to be made by a member of the Commission**

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

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

.....  
Judge of the Provincial High Court.

**Affidavit to be made by an officer of the Commission**

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

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

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Chairman of the Co-operative Employees Commission

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