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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Social Services Statute No. 03 of 2006

I hereby inform that the Western Province Provincial Council Social Services Statute No. 03 of 2006 which was passed at the Western Province Provincial Council meeting held on 08.08.2006 and which has received the assent of the Hon. Governor on 15.11.2006 is being implemented with effect from 15.11.2006.

PRASANNA RANATHUNGA,
Minister of Health, Indigenous Medicine, Social Welfare,
Probation and Child Care and Council Affairs,
Western Province.

Ministry of Health, Indigenous Medicine, Social Welfare,
Probation and Child Care and Council Affairs, (WP),
Independence Square,
Colombo 07,
27th February, 2007.

WESTERN PROVINCIAL SOCIAL SERVICES STATUTE NO. 03 OF 2006

A statute to provide for the rehabilitation of destitute persons and families residing in the Western Province and for the efficient maintenance of social services including providing relief for helpless persons, providing aid for those who cannot engage in any employment as they suffer from Tuberculosis, Cancer, Leprosy, Thalacemia, rehabilitating physically, mentally and socially handicapped persons and providing for their social welfare and providing relief for persons who are feeble and cannot engage in any employment, the retention and rehabilitation of women referred by the Court under the Vagrant Ordinance and to provide for matters incidental thereto, under the subject of Social Services and Rehabilitation of the 1st list of 9th Schedule of the Constitution of the Democratic Socialist Republic of Sri Lanka. This Statute is inconsistent with the Vagrant Ordinance No. 4 of 1841 and the Detention Homes Ordinance No. 5 of 1907.

Be it enacted by the Western Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows :

Short title
and date of
operation

1. This Statute may be cited as the Western Provincial Social Services Statute No. 03 of 2006, and shall come into operation on such date, as the Governor of the Western Province may approve.

The objects of the
Statute

2. The objects of this Statute are as follows :

- (a) to provide aid and relief for poor and destitute persons residing in the Western Province who need to be provided with welfare services and to rehabilitate them ;
- (b) to protect and rehabilitate physically, mentally and socially handicapped persons and aged persons who have become destitute ;
- (c) to provide aid to and supervise voluntary homes/Institutions maintained for physically, mentally and socially handicapped persons and aged persons ;
- (d) to protect and rehabilitate women referred by the Court under the Vagrant Ordinance.

Establishment of
the Department of
Social Services

3. There shall be established a Department to be called the Western Provincial Department of Social Services (hereinafter referred to as “the Department ”) to achieve the objects of this Statute.

- 4. (1) The Western Provincial Director of Social Services (hereinafter referred to as “the Director”) shall be the Head of the Department established under Section 3 above.
- (2) The provisions of the Provincial Council Act, No. 42 of 1987 shall apply to the appointment, transfer, dismissal, disciplinary control of the staff of the Department and the matters incidental thereto.

The duties and
functions of the
Department

5. The duties and functions of the Department are as follows :

- (a) to pay public assistance monthly allowance to poor families ;
- (b) to pay assistance allowances to Tuberculosis, Cancer, Leprosy and Thalassemia patients of poor families ;
- (c) to provide relief to persons and families who have become destitute having faced with informalities and to rehabilitate them ;
- (d) to establish and maintain homes/institutions for the aged for senior citizens and to rehabilitate them ;
- (e) to establish and maintain homes/institutions for the handicapped and mentally retarded persons and to rehabilitate them ;
- (f) to provide protection to and rehabilitate women referred by the Court under the Vagrant Ordinance ;
- (g) to provide spectacles, hearing aids, wheel chairs, tricycles, hand rests, clutches, contact lenses etc., to handicapped persons in poor families who seek assistance ;
- (h) to provide maintenance assistance and due assistance to registered voluntary organizations /institutions which house and care for aged and handicapped persons and to provide block grants to institutions which provide such services and to supervise such institutions ;

- (i) to provide rehabilitation services for persons who have become or are susceptible to become socially helpless ;
- (j) to provide counseling services to persons and families who are or susceptible to become mentally aggrieved due to various reasons in the society and thereby rehabilitate them and to establish and maintain counseling centers ;
- (k) to conduct special studies, surveys and researches in relation to the objects of the Section 2 above.

6. (1) Any person or institution shall furnish to the Director of Social Services such information or records as may be necessary to discharge and achieve duties and objects referred to in this Statute as and when demanded by him or any other persons authorized by him.

Powers of the Department.

(2) The Director of Social Services or any officer duly authorized by him shall for the purpose of this Statute, have the power to enter and search, examine, inspect or to survey at all reasonable times of the day without prior notice any home for the aged, any home for handicapped persons or any institution maintained for social service activities which are situated in the Western Province, to examine documents, to obtain information as may reasonably necessary for the purpose and to take into possession of necessary documents.

7. All homes and service providing institutions maintained on a voluntary basis in the Western Province for the purpose of execution of duties and functions indicated under Section 5, shall be registered with the Department of Social Services and in the case of a home or an institution maintained by a foreign Non-governmental Organization, such registration with the Department of Social Services shall be done after it has been registered with the Secretariat for the registration of Non-Governmental Organizations of the Ministry of Social Services and Social Welfare.

Homes/Institutions maintained for the purpose of duties and functions of the Statute to be registered.

8. There may be established and maintained a fund which shall be called the "Western Provincial Social Service Fund" for the purpose of achieving the object referred to in Section 2 of this Statute.

Western Provincial Social Services Fund.

8.1 There shall be credited to the Fund –

- (a) all such sums of money as may be provided from time to time by the state as grants ;
- (b) all such sums of money voted by the Western Provincial Council for the purpose of the Fund ;
- (c) all such moneys received as foreign aids and provided by the state under Section 22 of the Provincial Council Act ;
- (d) all such sums of money as may be received by way of concerts, lotteries and other accepted sources ;
- (e) all such sums of money as may be received by way of donations made by local or foreign persons, institutions or organizations.

8.2 There shall be paid out of the fund all such sums as are required to defray any expenditure incurred for the achievement of the objects of this Statute.

8.3 Provided however, that when a sum of money is received under paragraph (c), (d) and (e) of Sub-section (i) above on the condition that such money should be spent for a specific purpose, the acceptance of such money to the credit of the fund shall be at the discretion of the Minister.

Administration of the fund. 8.4 The Secretary to the Ministry shall be responsible for the administration of the fund with the approval of the Minister, through a Board appointed by the Minister at his discretion.

8.5 The Financial Year of the Fund shall be the calendar year.

Audit of the Fund. 8.6.1 The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations and the financial rules of the Western Provincial Council shall apply to the audit of accounts of the fund.

8.6.2 The Minister shall within six months after the expiry of the calendar year table a report on the administration of the fund in respect of the year, a copy of the audited statement of accounts for the year and a report of the Auditor General on the said accounts.

Appointment of the Board Trustees. 9. The Minister in charge of the subject of Social Services, shall appoint a Board of Trustees consisting of the following members for the administration of the fund established to achieve the objects referred to in this Statute :

(a) The Secretary in charge of the subject of Social Services in the Western Province, Chairman ;

(b) Director of Social Services of the Western Province ;

(c) The Deputy Secretary, Finance Management, of the Western Province ;

(d) Two other members appointed by the Minister.

9.1 The term of office of members appointed under Section 9 shall be three (03) years. A member of the Board vacating office by effluxion of time may be eligible for reappointment.

9.2 Any member of the Board shall be disqualified from being a member of the Board, if he becomes or is appointed a member of Parliament, member of a Provincial Council or a member of any local authority from the day he is so appointed.

9.3 The quorum for any meeting of the Board appointed under Section 9 shall be three members.

9.4 The Minister in charge of the subject of Social Services shall remove from office, any member appointed to the Board, if he/she is convicted by any Court or found guilty of any act of misconduct.

PART II

OFFENCES AND PENALTIES

10. Any person who contravenes or fails or neglects to comply with the provisions of this Statute or any regulation made thereunder or obstructs any person acting in pursuance of any duty conferred on him by this Statute or any regulation made there under or furnishes false information to avail services mentioned herein shall be guilty of an offence under this Statute.

10.1 The Minister shall suspend the activities of any institution, if it contravenes or fails or neglects to comply with the provisions of this Statute or any regulation made thereunder ; or does not carry out its activities in compliance with the provisions of this Statute or any regulation made thereunder.

11. Any person who commits any offence under this Statute shall on conviction after summary trial before a Magistrate, be liable to a fine of Rs. 5,000 or to imprisonment for a term not exceeding six (06) months or to both such fine and imprisonment.

PART III

GENERAL

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

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

(3) Every regulation, made by the Minister shall, within 3 months after its publication in the *Gazette*, be brought before the Provincial Council for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

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

13. The provisions of the Provincial Council Act, No. 42 of 1987 shall apply to grant and expending of financial provisions necessary for the maintenance of institutions established under this Statute. Financial Provision for Departmental Activities.

14. In this Statute unless the context otherwise requires :

“Minister” means the Minister in charge of the subject of Social Services in the Provincial Council of the Western Province.

“Director” means the Director of Social Services appointed to the Western Province under the Provincial Council Act, No. 42 of 1987.

“Informalities” means minor natural damages caused by reasons not widely spread and beyond the control of a person.

“handicapped” means a person with hearing, sight or speech, difficulties, difficulties in mobility mental retardation or other physical deformities.

“a poor” means a person who cannot survive on his own unless he is provided with basic assistance.

“fund” means the fund established under Section 8 of this Statute.

“public assistance” means the assistance granted on a monthly basis to poor, aged and sick persons and physically and mentally retarded persons who have no means of income.

“voluntary institution” means an institution established by a group of citizens on a voluntary basis :

1. which is non-governmental, and dependent upon public donations, contributions, grants in aid provided by the government and local and foreign aids, in the execution of its functions ; and
2. of which the basic objects are to provide assistance and outdoor and indoor services necessary for mentally or physically disabled persons, poor, destitute and helpless persons and to provide assistance in natural disasters.

15. In the event of any inconsistency between the Sinhala and Tamil texts of this Statute the Sinhala text shall prevail. Sinhala text to Prevail in case of inconsistency.