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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 Council Notifications

SOUTHERN PROVINCIAL COUNCIL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

#### Disabled Persons' Rights Protection Statute

I, Buddhapriya Nigamuni, Secretary of the Southern Provincial Ministry of Health, Indigenous Medicine, Social Welfare, hereby notify that protection of rights, of the Disabled Persons Statute No.....of 2007 of the Southern Provincial Council published below will be presented to the Southern Provincial Council after a lapse of two weeks from its publication in this *Gazette*. Any person interested in representing any matters pertaining to provisions in this statute should submit them to me within period of two weeks referred to above.

BUDDHAPRIYA NIGAMUNI,  
Secretary,  
Ministry of Health, Indigenous  
Medicine, Social Welfare,  
Southern Provincial Council.

5th Floor,  
District Secretariat,  
Galle,

17th May, 2007.

**PROTECTION OF RIGHTS OF THE DISABLED PERSONS' STATUTE No..... OF 2007**

**Southern Provincial Council**

A Statute to provide for the establishment of a council for the disabled persons in the Southern Province, to protect their rights and provide them with opportunities of development and Welfare facilities enabling them to live with self-respect and to provide for all other matters connected with, incidental and ancillary thereto.

The Southern Provincial Council of the Democratic Socialist Republic of Sri Lanka enacts that—

Short Title  
and Date of  
Operation.

This statute may be cited as the protection of rights of the Disabled Persons' Statute No..... of 2007 of The Southern Provincial Council and shall come into operation on the day the Governor of the Southern Province gives his assent.

**I. OBJECTIVES :**

- (1) To establish a Council for the purpose of implementing the national policy on the disabled in the Southern Province, to protect the rights of the disabled persons and provide them with necessary opportunities of development and welfare facilities enabling them to live with self-respect.
- (2) To combine and direct efforts and activities of all provincial/government institutions, non-government organizations and private sector institutions in the southern province involved in the matter of protecting the rights of disabled persons and providing them with relief and necessary opportunities to live with self-respect.
- (3) To co-ordinate and direct the activities of all registered organizations of the disabled in the Southern Province, organizations of their parents, non-government organizations and other such organizations providing services to them.

**PART I**

Establishment of  
Provincial Advisory  
Council.

2. (1) There may be established a council to be known as the 'The Southern Province Advisory Council for the Disabled Persons' in the province.
- (2) The Council shall by the name assigned to it by Section 2(1) be a body corporate with perpetual succession having a common seal and may sue and be sued in such name.

Compositon  
of the Council.

3. (1) The Council shall comprise of the following persons.
- (2) Six members appointed by the Minister in consultation with the Board of Ministers of representing the provincial organizations for the disabled persons, provincial organizations providing services to the disabled and organizations of the parents of the disabled persons.
- (3) Four members appointed by the Minister in consultation with the Board of Ministers including a member of the Southern Provincial Council, Mayor/Chairman of a Local Government body, professional or clergy /priests and Government officials.
- (4) The Chairman of the Southern Province Centre for the Disabled.

- (5) The Minister in charge of the subject shall be the Chairman of the Council.
- (6) The Secretary of the provincial Ministry in charge of the subject shall function as the Secretary of the Council.
4. The members appointed to the Advisory Council shall hold office for a period of five years from the date specified. Term of office in the Advisory Council.
5. Members of the Advisory Council can be paid a remuneration as determined by the Minister in consultation with the Governor. Payment of Remuneration.
6. (1) Any member of the Council may resign his office by letter addressed to the Minister in that behalf. Resignation from Membership.  
(2) The Minister shall have power to remove from office any member of the Advisory Council for cause assigned, after consulting the Board of Ministers.  
(3) In the event of death, resignation or removal from office of a member of the Advisory Council, another person can be appointed in his place and the person so appointed shall hold office for the remaining period of his/her predecessor's term.
7. (1) The Chairman shall preside at the meetings of the council. Whenever the Chairman is absent another member may be elected as pro tem chairman. Meetings and the Quorum of the Council.  
(2) The quorum for the meetings of the Council shall be five members.  
(3) The Council shall meet at least once a month when no special meetings are convened.
8. The day to day administration of the Council shall be done by the Director of Social Services of the Southern Provincial Council.
9. (1) The official seal of the Council shall be in the form as decided upon by the Council and it may also be changed or altered at the discretion of the council. Seal of the Council.  
(2) The official seal may be kept in the custody of person named by the Chairman of the Council.
10. (1) To ensure that all government and non-government organizations, private institutions and any other organizations in the Southern Province who are concerned with the protection of the rights of the disabled and providing them with opportunities and affording facilities to live with self-respect, act in consistent with the national policies of Sri Lanka towards the disabled and that they conform to the legislation already enacted or to be enacted in that regard from time to time by the Parliament of the Democratic Socialist Republic of Sri Lanka, or the provisions of this statute and others that would be enacted from time to time by the Provincial council in that regard. Responsibilities of the Advisory Council.  
(2) To make recommendations to the Southern Provincial Council on measures to be adopted for the protection of the rights of the disabled persons.  
(3) To ameliorate the living standards of the disabled.  
(4) To ensure that the needs of the disabled are qualitatively and adequately met.

	(5) The Council shall have the power to appoint a representative to appear in Courts on behalf of the rights of the disabled whenever such need arises.
Establishment of Provincial Committees for Rehabilitation of Disabled Community.	<p>11. (1) There may be established a Provincial Committee for the Rehabilitation of Disabled Community comprising of representatives of provincial/government departments, non-government organizations, the private sector and organizations of the disabled who are providing services and opportunities to the disabled and a Provincial Centre for the Disabled in the Southern Province with the concurrence of the Advisory Council.</p> <p>(2) The provincial Advisory Council shall advise, direct and guide the Provincial Committee and the Centre in implementing the national and provincial policies regarding disabled persons.</p>
Powers and functions of the Advisory Council.	<p>12. (1) The functions of the Advisory Council are as follows :-</p> <p>A member of the Advisory Council or any officer duly authorized by the Advisory Council in that behalf shall have the power to inspect the activities of any government/non-government organization.</p> <p>(2) The Advisory Council may forward a recommendation to the relevant Minister in the case of a government institution and to the registering authority in the case of a non-government organization.</p> <p>(3) If any non-government organization continues to neglect the rights and well being of the disabled, the Advisory Council shall have power, on the basis of the recommendations of a committee of inquiry appointed by the Council, to take legal action against such non-government organization.</p> <p>(4) until the court case against such organization is decided, a representative shall be appointed to look after the well being of the disabled persons resident and the employees of the organization. The representative so appointed should be duly authorized in that behalf, in writing.</p> <p>(5) The representative of the Advisory Council shall have power to estimate the monthly costs of maintaining the institution and recover such costs from the organization concerned and to safeguard the rights of its employees.</p> <p>(6) During the pendency of the case against the organization, the control of its bank accounts and the collection of its income shall be done only with concurrence of the representative. The representative shall have the power to obtain a court injunction in that regard.</p> <p>(7) The Advisory Council shall have the power to examine the veracity of the programmes and plans implemented by the government or non-government organizations in the rehabilitation of the disabled.</p> <p>(8) The Advisory Council may investigate and make recommendations to the relevant government or non-government organizations on any questions touching on policy issues, received by the Provincial Committee for the Rehabilitation of the disabled.</p>
Rules and Regulations.	13. The Advisory Council may make rules and regulations for the purpose of implementing the powers and functions under this statute. All such regulations shall come into force from the date they are published in the <i>Gazette</i> by the Minister.

14. The Advisory Council shall be deemed to be a scheduled institution within the meaning of the commission of Inquiry Against Bribery and Corruption Act.

15. No suit, either criminal or civil, shall lie against any member of the Advisory Council for anything done by him in good faith under the provisions of this statute.

#### PART II - FINANCE

16. (1) The administrative expenses of the Advisory Council shall be met from the funds of the Southern Provincial Council. Maintenance of Accounts.
- (2) All expenses of the Advisory Council shall be a charge and accounted for under the Welfare project of the Department of Social Services of the Southern Provincial Council.

#### PART III - REGISTRATION

17. (1) No volunteer or non-government organization, unless registered under this statute, shall engage directly or indirectly through any other institution, body of persons or organization in providing any service or relief of whatever description to disabled persons. Registration with the Council.
- (2) Any volunteer or non-government organization that was engaged in such service or relief work on the day immediately preceding the specified date, shall notwithstanding the stipulation in sub-section (1) above, get themselves registered within three months from the specified date.
18. Every application for registration under this statute should be forwarded to the Secretary of the Advisory Council in the prescribed form in such manner stipulated. Application for Registration.
19. On receipt of an application under Section 18 the Council shall after considering the services and relief rendered by the relevant volunteer organization, take action to register same and issue them with a certificate in that regard. Issue of Certificate.
20. Any organization or government institution registered under this statute shall when required to do so by an authorized officer, submit their annual work programmes to the Advisory Council established under Section 2. Submission of Annual Programme.
21. The Provincial Committee for the Rehabilitation of Disabled Community established under Section II (I) shall review these work programmes and the Advisory Council shall thereafter submit the final programmes to the Southern Provincial Council.
22. (1) The Advisory Council may with the concurrence of the Provincial Center for Rehabilitation of Disabled established under Section II (I), determine the basic qualifications to be insisted upon when recruiting employees for any organization providing services to disabled persons. Salaries and Service conditions of workers.
- (2) The minimum wages laid down by the Wages Board of the Labour Department for different categories of employees may be paid.
- (3) The minimum salary of any employee not covered by a Wages Board determination should be determined without exceeding the salary scales of parallel grades.

- (4) The minimum monthly salaries or daily wages may be agreed upon in consultation with the workers organizations and the registered organizations under Section 17(1) of this statute. The approval of the Advisory Council shall be obtained for all such salary scales and wages agreed upon.

PART IV - GENERAL PROVISIONS

23. All officers and employees of the Council shall be deemed to be public servants for purposes of the Penal Code.

Offences and  
Penalties.

24. Any person who is guilty of an offence under this statute shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding rupees ten thousand or imprisonment for a term not exceeding one year or for both such fine and imprisonment.

Interpretations.

25. In this statute—

‘Southern Province’ means the territory that includes the administrative districts of Galle, Matara and Hambantota.

‘Disabled Person’ means any person who is totally or partially incapacitated and unable to attend to his daily needs of life by himself either wholly or partially, due to a physical or mental deficiency inherited at birth or otherwise.

‘Minister’ means the minister in charge of the subject of social services in Southern Provincial Council.

‘Governor’ means the governor of the Southern Province.

26. In case of any inconsistency between the Sinhala and Tamil versions of this statute, the Sinhala version shall prevail.