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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) : PROVINCIAL COUNCIL

Provincial Councils Notifications

SABARAGAMUWA PROVINCE PROVINCIAL COUNCIL

Sabaragamuwa Pre-child Education Development Statute No. 02 OF 2010

Certified on - 06.05.2010

Approved - 07.07.2010

By Order of the Sabaragamuwa Province Provincial Council

SRIYANI PADMALATHA,

Council Secretary (*Actg.*)

Sabaragamuwa Province Provincial Council.

Sabaragamuwa Province Provincial Council,

14th July, 2010.

Sabaragamuwa Province Provincial Council

SABARAGAMUWA PRE-CHILD EDUCATION DEVELOPMENT AUTHORITY STATUTE, No. 02 OF 2010

A Statute to provide for the Promotion and Development of Sabaragamuwa Pre-Child Education by management and supervision of Pre-Schools within the Sabaragamuwa Province and for matters connected therewith or incidental thereto

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

1. This Statute may be cited as “Sabaragamuwa Pre-Child Education Development Authority Statute, No. 02 of 2010” and shall come into operation on the date of its approval by the Governor.

Short title and
date of
Operation.

PART I

ESTABLISHMENT OF PRE - CHILD EDUCATION AUTHORITY

Establishment
of Pre-Child
Education
Authority.

2. (1) There shall be established an authority which shall be called the “Pre-Child Education Development Authority” (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 by such name.

Objectives of the
Authority.

3. The objectives of the Authority shall be—

(a) to development child education in the Province by supervision and management of pre-child education within the Provincial Council ;

(b) to create and appropriate environment for the education, social and spiritual development, of the children of the Province ;

Functions of the
Authority.

4. The functions of the Authority shall be—

(a) to provide necessary advice, guidance and assistance for the improvement of child education in the Province ;

(b) to train male and female wardens of Pre-schools ;

(c) to register all Pre-schools established and maintained in the Province ;

(d) to impose condition in regard to recovery of fees from the students in Pre-Schools ;

(e) to impose requirements in regard to educational and professional qualifications for the male and female wardens of Pre-schools ;

(f) to establish and conduct teacher training institution to train the male and female wardens of the Pre-schools and to award certificates ;

(g) to prescribe standards in regard to building required for the Pre-schools ;

(h) to conduct in-service sessions relating, to the modernization of Pre-Schools ;

(i) to prescribe standard in regard to the management and control of the Pre-schools conducted by other organization including local authorities ;

(j) to educate the community of the importance of Pre-child development ;

(k) to carry out such activities as may be required for the social, mental and spiritual development of the children in the Province and to co-ordinate with other government and non governmental institutions which deal with such activities ;

(l) to supervise and co-ordinate the activities of the government and non-governmental organizations which work for the child development in the Province ;

(m) to impose conditions relating to the implementation of the programmes organized by the Authority to be carried out for the child development in any place (including estates) in the Province ;

(n) To conduct Model Pre-Schools, give regulations to provide welfare to wardens.

5. The Authority shall have the power—

Powers of the Authority.

(a) to acquire and hold, give on lease or hire, mortgage 'pledge' sell or otherwise dispose of any movable or immovable property in any manner whatsoever ;

(b) to charge fees or money for any service rendered by the Authority ;

(c) to accept gifts, grants or donations whether in cash or otherwise, and to apply them for discharging its functions;

(d) to appoint such officers and servants as may be necessary for carrying out the work of the Authority;

(e) to determine the remuneration payable to the officers and servants so appointed;

(f) to enter into contracts as may be necessary for the discharging of the functions of the Authority;

(g) to make rules in respect of general administration of the Authority;

(h) to do all such other things as are necessary or incidental or required for the discharge of the functions of the Authority ;

(i) to supervise the functioning of Pre-childhood development in the registered children's homes and homes for the disabled children, situated in the Province.

6. The management and administration of the affairs of the Authority, shall be vested in a Board of Management (hereinafter referred to as the "Board") which shall consist of —

Management of the affairs of the Authority.

(a) the following *ex-officio* members, namely:

(i) Secretary to the Ministry of the Minister - in - charge of the subject of Education, who shall be the Chairman of the Board;

(ii) the Provincial Director of Social Services;

(iii) the Deputy Chief Secretary (Planning)

(iv) the Provincial Director of Education;

(v) the Commissioner of Local Government;

(vi) the Provincial Director of Health Services;

(vii) the Provincial Commissioner of Probation and Child Care Services.

(b) the following members appointed by the Minister (hereinafter referred to as the "appointed members") -

(i) two members from among persons who are not in the public sector and who appear to the Minister to have knowledge and experience in the field of child education;

(ii) one member from the public sector and who appear to the Minister to have knowledge and experience in the field of child education.

Disqualification
for being a
member.

7. (1) A person shall be disqualified from being appointed, or continuing as a member of the Board, if—

- (a) he is or becomes, a member of Parliament or any Provincial Council or any local authority;
- (b) he is not, or ceases to be a citizen of Sri Lanka;
- (c) he is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind;
- (d) if he is serving, or has served, sentence of imprisonment imposed by any Court in Sri Lanka or any other country;
- (e) if he holds or enjoys any right or benefit under any contract made by, or on behalf of the Authority; or
- (f) if he has any financial or other interest as likely to affect prejudicially the discharge by him of his functions as a member of the Authority.

Removal and
resignation of
appointed
members.

8. (1) An appointed member of the Board may resign his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

(2) The Minister may for reasons assigned remove an appointed member of the Board from office.

(3) Where an appointed member of the Authority dies, resigns or is removed from office, the Minister shall, having regard to the provisions of section 6 appoint another member in his place.

(4) A member appointed under subsection (3) shall hold office for the unexpired part of the term of office of the member whom he succeeds.

Term of office
of members.

9. Subject to the provisions of subsection (1) and (2) of section 8, the term of office of an appointed member of the Board shall be three years and such member shall be eligible for re-appointment.

Remuneration
or allowances of
member.

10. The members of the Board shall be paid such remuneration or allowances at such rates as may be determined by the Minister with the concurrence of the Chief Minister after the confirmation of the office.

Meetings of the
Board.

11. (1) The Chairman shall, if present, preside at every meeting of the Board. In the absence of the Chairman from any such meeting, a member elected by the members present, shall preside at such meeting.

(2) The quorum for any meeting of the Authority shall be Five members.

(3) The Chairman or other member presiding at any meeting of the Authority, shall in addition to his own vote, have a casting vote.

12. No act, decision or proceeding of the Authority, shall be deemed to be invalid by reason only of the existence of any vacancy of the Board or any defect in the appointment of any member thereof.

Acts not
invalidated by
reason of
Vacancy.

13. (1) The Seal of the Authority may be determined and devised by the Board, and may be altered in such manner as may be determined by the Board.

Seal of the
Authority.

(2) The Seal of the Authority shall be in the custody of such person as the Board may decide from time to time.

(3) The Seal of the Authority shall not be affixed to any instrument or document except with the sanction of the Board and in the presence of the Chairman and one member who shall sign the instrument or document in token of their presence:

Provided that, where the Chairman is unable to be present at the time when the Seal of the Authority is affixed to any instrument or document any other member authorized in writing by the Chairman in that behalf shall be competent to sign such instrument or document in accordance with the preceding provision of this subsection.

(4) The Authority shall maintain a register of the instruments and documents to which the Seal of the Authority has been affixed.

14. In the exercise of its powers and the discharge of its functions, the Board shall comply with such general or special directions as may from time to time be issued to it by the Minister:

Board to exercise its powers under the direction of the Minister.

Provided that compliance by the Board with any general or special direction so issued shall be subject to the provision of any other law for the time being in force.

15. (1) The Board may delegate any of the powers and functions of the Board to the Chairman.

Delegation of powers and functions of the Board.

(2) The Chairman to whom any of the powers and functions of the Board have been delegated under subsection (1) shall exercise and discharge the powers and functions so delegated, subject to the general or special directions of the Authority.

PART II

STAFF OF THE AUTHORITY

16. (1) There shall be a Director of the Authority (hereinafter referred to as the "Director") appointed by the Minister who shall hold office for a period of five years unless he earlier vacates office by death, resignation or removal. The Director shall be eligible for re-appointment unless removed from office.

Appointment of the Director.

(2) The Director shall, subject to the general and special direction and control of the Chairman, be charged with the direction of the business of the Authority, the organization and execution of the powers, functions and duties of the Authority and the administrative control of the employees of the Authority.

(3) The Director may with the approval of the Board delegate in writing to any other employee of the Authority any of his powers, functions and duties as may from time to time consider necessary, and any employee to whom any such powers, functions or duties are so delegated shall exercise them subject to the general or special direction of the Director.

(4) The Director may be paid such remuneration as may be determined by the Minister with the concurrence of the Chief Minister after the confirmation of the office.

(5) The Director may resign his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

(6) In the event of any vacancy in the Office of Director a member of the Board may be appointed by the Minister to perform duties of the Director until an appointment is made under subsection (1).

17. The person who is appointed as the Director under section 16 shall -

Qualifications of the Director.

- (a) have a degree and five years experience in the field of child education; or
- (b) post graduate qualifications in the field of child education; and
- (c) be a Sri Lanka Citizen.

Appointment of officers, servants and agents.

18. (1) The Authority may appoint such officers, servants and agents as it considers necessary for the efficient exercise performance and discharge of its powers, duties and functions and exercise disciplinary control over the staff of the Authority. The Authority may delegate the power of appointing such officers, servants and agents to the Director of the Board.

(2) The officers, servants and agents shall be remunerated in such manner and at such rates and shall be subjects to such conditions of service as may be determined by the Authority.

Appointment of Provincial Public officers to the staff of the Authority.

19. (1) At the request of the Board any officer in the provincial public service may, with the consent of that officer and the Governor be temporarily appointed to the staff of the Authority for such period as may be determined by the Board or with like consent be permanently appointed to such staff.

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

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

(4) Where the Board employs any person who has entered in to a contract with the Provincial Council by which he has agreed to serve the Provincial Council for a specified period, any period of service to the Authority by that person shall be regarded as service to the Provincial Council for the purpose of discharging the obligations of such contract.

PART III

ESTABLISHMENT OF DIVISIONAL MANAGEMENT BOARDS

Establishment of Divisional Management Boards and its composition.

20. (1) There shall be established a Divisional Management Board (hereinafter referred to as the "Divisional Board") for each educational zone of the Sabaragamuwa Province for the convenience of implementing objectives and powers of the Authority each shall consist of —

(a) the following *ex-officio* members, namely —

- (i) the Zonal Director of Education or a Director representing him;
- (ii) the Divisional Medical Officer of Health;
- (iii) Secretaries of respective Pradeshiya Sabhas;
- (iv) a Probation Officer;
- (v) a Children's rights promotion Officer;
- (vi) an Education officer;
- (vii) a Social Services Officer;

(b) the following members appointed by the Minister (hereinafter referred to as the "appointed members of Divisional Boards":) —

- (i) a person who has knowledge and experience in pre school education in;
 - (ii) three persons who possess more than five years experience and knowledge in pre-child educational development, selected from among the registered pre school wardens of;
 - (iii) two persons representing the parents of the pre school children of;
- the respective educational zone.

(2) Every Divisional Management Board established for each educational zone shall function under the guidance and direction of the Board.

(3) Chairman of the Divisional Management Board should be appointed by the Divisional Management Board.

Authority may make rules for Divisional Management Boards.

21. The Authority shall make rules in respect of matters pertaining to disqualification from being an appointed member, removed and resignation, term of office, remuneration of appointed members of Divisional Management Board.

PART IV

FINANCE

22. (1) The Authority shall have its own Fund which shall be called the "Sabaragamuwa Pre-Child Development Fund" (hereinafter referred to as the "Fund"). There shall be credited to the Fund - Fund of the Authority.

- (a) all such sums of money as may be approved by the Provincial Council from time to time for the use of the Authority;
- (b) all sums of money received by the Authority in the exercise, performance and discharge of its powers, duties and functions;
- (c) all such sums of money as may be received by the Authority by way of loans, donations, gifts or grants from any sources whatsoever, whether in or outside Sri Lanka;
- (d) all revenue derived by the Authority from any property vested in or administered by the Authority; and
- (e) all revenue derived by the Authority for services provided by the Authority.

(2) All sums of money required to defray any expenditure incurred by the Authority in the exercise. Financial year and the Audit of accounts.

23. (1) The financial year of the Authority shall be the calendar year. The Board shall cause proper accounts to be kept for its income and expenditure and all other transactions of each financial year.

(2) The Provisions of Article 154 of the Constitution relating to the auditing of accounts shall *mutatis mutandis* apply in relation to the audit of the accounts of the Authority.

(3) The provisions of Part II of the Finance Act, No. 38 of 1971, shall *mutatis mutandis* apply to the financial control of the Authority.

PART V

GENERAL

24. (1) The Minister may from time to time issue such general or special direction as to the exercise of the powers and performance of the duties of the Authority and it shall be the duty of the Authority to comply with such directions. Directions of the Minister.

(2) The Minister may from time to time direct the Authority in writing to furnish him with such information in respect of the property, business and activities of the Authority, as he may require, and the Authority shall comply with such direction.

25. (1) The Minister may make regulations in respect of any matter required by this Statute to be prescribed or in respect of which regulation are authorized by this Statute to be made. Regulations.

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

(3) Every regulation made by the Minister shall as soon as convenient after 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 its disapproval but with out prejudice to anything previously done thereunder.

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

All directors & c.
deemed to be
public officer.

26. All directors, officers, servants and agents of the Authority shall be deemed to be public officers within the meaning and for the purpose of the Penal Code (Chapter 19).

Authority to be
deemed to be a
schedule
institution.

27. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly.

Recovery of
expenses
incurred by the
Authority.

28. (1) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the Fund of the Authority and any cost paid to be recovered by the Authority in any of such suit or prosecution shall be credited to the Fund of the Authority

(2) Any expense incurred by any director, officer, servant or agent of the Authority in any suit or prosecution brought against such person before any court in respect of any act which is done or purported to be done by such person under this Statute, or on the direction of the Authority, shall if the court holds that such Act was done in good faith be paid out of the Fund of the Authority, unless such expense is recovered by such person in such suit or prosecution.

Contravention
of the
provisions of
this to be an
offence.

29. Every person who contravenes or fails to comply with any provision of this Statute or any regulation or rule made or issued thereunder shall be guilty of an offence and shall on conviction before a Magistrate be liable to a fine not exceeding five hundred rupees or imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Interpretation.

30. In this Statute unless the context otherwise requires,

"The Governor" means, the Governor of the Sabaragamuwa Province,

"Minister" means, the Minister - in - charge of the subject of Education in the Sabaragamuwa Provincial Council;

"Province" means Province, the Sabaragamuwa Province ;

"Province Council" means the Sabaragamuwa Province Provincial Council;

"Provincial Public Service" means the Provincial Public Service of the Sabaragamuwa Province Provincial Council as stipulated in section 32 of the Provincial Councils Act, No. 42 of 1987.

Sinhala text to
prevail in case
of inconsistency.

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

(2) In the event of conflict between this statute and the Pre School Statute No. 07 of 1994, Pre School Statute No. 02 of 2010 should be given priority.