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PART IV (A) – PROVINCIAL COUNCILS

Provincial Councils Notifications

CENTRAL PROVINCE PROVINCIAL COUNCIL

**Draft Enactment Number 03 of 2016 of the Central Provincial Council to establish a Department for
Cultural Affairs**

I, P. B. Wijerathne, The secretary of the Chief Ministry of Central Province do here by notify that I will submit to the Central Provincial Council the draft enactment to establish a Department for Cultural Affairs for the Central Provincial Council, which is published here, after two weeks from the date of publishing it in this *gazette* notification. If somebody has any matter or amendment to submit with regard to the regulations included in this enactment he or she can submit such matters or amendments to me within this time period.

P. B. WIJERATHNE,
The Secretary of the Chief Ministry,
Central Province.

Kandy,
At the Office of the secretary of the Chief Ministry of Central Province,
25th day of July, 2017.



DRAFT ENACTMENT NUMBER 03 OF 2016 OF THE CENTRAL PROVINCIAL COUNCIL TO
 ESTABLISH A DEPARTMENT FOR CULTURAL AFFAIRS

An Enactment to establish a Department for Cultural Affairs for the Central Province, to regulate art activities including theatres, plays, provincial literary activities, music and entertainment activities except the approval of cinema movies for exhibition and public performance, and to carry out researches and investigations on archaeological sites, ruins, ancient and historical monuments and reports except on those that are declared as to have national importance, by or under a parliamentary act, and to preserve them and take necessary actions to maintain them and to maintain regulate and enact necessary rules and regulations for the museums and other similar institutions governed and funded by the Central Provincial Council, and to make rules and regulations on related and coordinating matters.

THE PROVINCIAL COUNCIL OF THE CENTRAL PROVINCE OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA HEREBY
 ENACTS THE FOLLOWING.

Short name
 and the
 effective date

This enactment is called as the enactment of Cultural Affairs No. 03 of 2016 of the Central Provincial Council and shall become into effect from the date on which the Hon. Governor's approval is granted.

Part I
Establishment of the Department of Cultural affairs of the
Central Provincial Council

Establishment
 of the
 Department of
 Cultural
 Affairs of the
 Central
 Provincial
 Council

1. A Department for Cultural Affairs of the Central Province (herein after referred to as the department) shall be established in order to carry out the objectives of this enactment.

Appointing of
 the Director of
 Cultural
 Affairs

2. (1) A Provincial Director shall be appointed to the department in order to execute the duties and powers of the Department.

Department
 Staff

- (2) The Provincial Director shall be appointed by the Governor and he shall be the Head of the Department.

Appointing
 other officers
 for the
 department

3. Other Officers and staff required to assist the Provincial Director to perform the duties and powers of the department, shall be appointed as per the provisions of the Provincial Council Act No. 42 of 1987.

Transferring
 power

4. The powers and the duties of the provincial director can be transferred to the officers who are appointed under the above 03rd paragraph.

Objectives
 of the
 Department

5. It is the duty of this department to achieve the following objectives.

- (1) To regulate and standardize the theaters, performances, cinema hall shows and entertainment activities within the province apart from the approval for cinema movies for exhibition and public performance.
- (2) To preserve and maintain ancient and historic monuments and reports except on those that are declared as to have national importance, by or under a parliamentary act.
- (3) To maintain and preserve the museums and similar institutions governed by the provincial council.
- (4) To regulate the literary religious and other non institutional societies and organizations which functioned within the province and activities related to art associations.
- (5) To improve the creative skills of the artists in the fields of arts and literature within the Province and welfare activities of artists.
- (6) To conduct researches and investigations regarding cultural and arts related affairs, artists and related fields to conserve the visible and invisible cultural heritages of the central province and to publish and preserve the information with regard to them.
- (7) To promote religious, cultural, literary, arts, moral and spiritual values in the central province.

6. The duties and the powers of the department shall be as follows:

Duties and
powers of the
department

- (1) To form cultural groups in the province, to recruit artists, to pay them allowances and to get the artists involved in arts programs and performances.
- (2) To form, register, manage, monitor, audit and dissolve cultural groups.
- (3) To register and monitor the arts associations.
- (4) To establish, maintain and govern museums and other similar institutions funded by the provincial council.
- (5) To maintain the hygienic conditions of the theaters and the cinema halls which are located in the central province and to inspect whether they suit for people and set standards for matters with regard to them and conduct examinations.
- (6) To plan, implement, assess and assist to cultural programs within the province.
- (7) To establish and improve cultural committees and arts associations and take necessary actions for their development.
- (8) To obtain the required assistance and support of the Government, provincial councils, local government institutions, other legal entities to perform the duties of the department and maintain relationships with non-governmental organizations.

(9) To plan, implement, maintain and facilitate the programs for the welfare of artists.

(10) To establish cultural villages in the province and plan programs to preserve the traditional knowledge for future generations.

(11) To audit the financial and accounting reports submitted by the arts associations, regional cultural committees and provincial cultural authority and take legal actions with regard to financial irregularities.

(12) (a) To name the selected and identified sacred items, clothes, jewelries and artifacts of the province as "The Provincial Cultural Heritages which shall be conserved".

(b) To assist to set standards to produce, sell and distribute the selected sacred items, clothes, jewelries and artifacts which are named as " The Provincial Cultural Heritages which shall be conserved".

(13) (a) To enter

(b) To inspect and examine

(c) To Request to produce a license, pass, report, certificate or any other document

(d) To examine such license, pass, report, certificate or any other document

(e) To take photo copies or extracts of necessary documents and information

(f) To inquire and investigate from the officers in charge or any other necessary persons,
of the theaters, cinema halls, places where entertainment programs are held and places where crafts and artifacts are sold, exhibited and distributed, with regard to the duties of the Department.

(14) To fulfill the requirements which are thought to be needed to perform the mission of the this Department such as the duties of the government, provincial councils, local government institutions and departmental activities and to obtain the support of local, foreign and other legal entities and to maintain a coordination with non-governmental organizations.

(15) To obtain the assistance of the police when required while performing the duties of the department.

Forming the
cultural group

Part II

Forming the Central Provincial Cultural Committee

7. (1) Cultural committees can be formed for the fields of traditional dancing, singing and music of the province in order to promote and safeguard the provincial aesthetic arts and to improve the economical standard of the artists. These committees shall operate under the supervision of the provincial director.

(2) The provincial Director can make necessary provisions with the approval of the secretary to the ministry regarding the recruitment of artists and advisors to cultural committees, deciding their qualifications, disciplinary controls, supervision, payment of allowances and their removal.

(3) The cultural director has the power to guide the cultural committees towards the activities which are necessary to achieve the objectives of the department.

Part III **Forming Regional Cultural Committees and** **Provincial Cultural Authority**

8.(1) Regional cultural committees which will be referred herein after as "committee" shall be formed in each Divisional Secretariat Division.

Forming
cultural
committees

(a) The artists, teachers and interested persons in arts related activities from the division can obtain the membership of this regional cultural committee.

(b) A chairman, a secretary and a treasurer shall be selected from the members at a General Meeting of the committee.

(c) The Divisional Secretary of the relevant division will be the patron of the committee by virtue of his post and the Cultural Officer shall act as the coordinator of the committee.

(2) The Tenure of the committee is one year

9.(1) Every committee shall have a constitution with particulars regarding the composition of the committee, its accounts, and other provisions necessary for the maintenance of the committee. The general provisions to be included in the constitution can be imposed from time to time by the Minister by regulations with the recommendation of the Provincial Director.

General
regulations
which shall be
included to the
constitution
of the cultural
committees

(2) The committees have the right to prepare their constitutions as per to their requirements and not contradict to the above mentioned general provisions.

10. Powers of the Regional Cultural Committees are as follows :

Powers of
the regional
cultural
committees

(1) To prepare plans and implement them to promote religious, cultural, moral and spiritual values which ensures the conservation of the visible and invisible heritages of the relevant divisional secretariat division.

(2) To assist to implement the duties of the Provincial Cultural Department in regional level.

(3) To take actions to implement a programme for the equal distribution of opportunities of welfare programs and other different opportunities submitted from time to time by the Central Provincial Council or by the Cultural Department of Central province for the benefit of the artists who reside within the functional area of the committee.

(4) To enhance the quality of various art creations conducted in rural areas, to contribute to upgrade the standards of rural artists and take actions to create a competitive background to assess their creations in government level.

(5) To build a platform for the opinions, proposals ideas and contributions of artists representing various fields and implement programs to ensure their identity.

- (6) To Implement a mechanism to perform innovative cultural and arts programs in rural and regional levels.
- (7) To create opportunities to spread the culture and arts creations of the committee's territory to the national and international levels and to create opportunities for the artists from the committee's territory to exchange the knowledge of different countries.
- (8) To extend a helping hand to the ordinary level artists to published their creations.
- (9) To implement a sustainable program to strengthen the socio-economic conditions of the artists residing in the committee's territory.
- (10) To implement programs to eradicate the socio environmental barriers to create a moral and disciplined society.
- (11) To submit recommendations for awards to regional artists in the Central Province.
- (12) To organize regional arts festival.
- (13) To organize various programmes through this committee to develop the arts academies in the region.
- (14) To intervene in the welfare of the artists residing in the committee's territory.
- (15) To provide financial sponsorships for arts, cultural, historic and religious affairs of the region.
- (16) To obtain the assistance required to the cultural events organized by the committee from the government, provincial council, local government institutions, non-governmental organizations and other legal entities.
- (17) To bear the expenses for the programs, exhibitions, concerts and sales of the committee members, reimburse that amount and obtain a pre decided portion of such income as revenue
- (18) To engage in the coordination activities of programs aimed at preserving the visible cultural heritage of the committee's territory.
- (19) To collect funds to maintain committee's account.

Accounts of
the Regional
Cultural
Committee

11. Every Regional Cultural Committees shall maintain an account as per to the provisions provided in the constitution of that committee.

Establishment
of Provincial
Cultural
Authority

12. A provincial cultural authority (herein after referred to as the authority) shall be established for the province.

- (1) One selected member from the office bearers of each regional cultural committee, such as chairman, secretary or treasurer, can obtain the membership of the provincial cultural authority.
- (2) A chairman, a secretary, and a treasurer shall be selected at a general meeting from the members of the provincial cultural authority.
- (3) Provincial director shall hold the post of patron of the provincial cultural authority and a cultural officer shall act as the coordinator of the committee.
- (4) The tenure of authority is one year.

13. Powers of the provincial cultural authority shall be as follows:

Powers of
Provincial
Cultural
Authority

- (1) To monitor the procedures undertaken by the regional cultural committees to preserve the invisible heritages of the province.
- (2) To intervene to develop the religious places situated in the province and monitor the development activities carried out in regional level.
- (3) To form and monitor a program for the equal distribution of opportunities of welfare programs and other different opportunities submitted by the Central Provincial Council or by the Cultural Department of Central province from time to time for the benefit of the artists who reside in central province.
- (4) To enhance the quality of various art creations conducted in the province, to contribute to upgrade the standards of artists and take actions to create a competitive background to assess those creations.
- (5) To build a platform for the opinions, proposals, ideas and contributions of artists representing each and every field and implement programs to ensure their identity.
- (6) To create a mechanism to perform innovative cultural and arts programs in rural and central provincial levels.
- (7) To create opportunities to spread the culture and arts creations of central province to the national and international levels and to create opportunities for the artists from central province to exchange the knowledge of different countries.
- (8) To extend a helping hand to the ordinary level artists to publish their creations and form a sustainable program to strengthen the socio-economic conditions of the artists.
- (9) To enhance the quality of various art creations conducted in rural level, to contribute to upgrade the standards of rural artists and take actions to create a competitive background to assess their creations in government level.
- (10) To build a platform for the opinions, proposals, ideas and contributions of artists representing each and every field and implement programs to ensure their identity.

- (11) To create opportunities to spread the culture and arts creations of the territory of central province to the national and international levels and to create opportunities for the artists from the territory of central province to exchange the knowledge of different countries.
- (12) To extend a helping hand to the ordinary level artists to publish their creations.
- (13) To implement a sustainable program to strengthen the socio-economic conditions of the artists who live in the territory of central province.
- (14) To implement programs to eradicate the socio environmental barriers to create a moral and disciplined society.
- (15) To organize various programs in view of developing the arts academies in the territory of the authority.
- (16) To intervene in the welfare of the artists residing in the authority's territory.
- (17) To provide financial sponsorships for arts, cultural, historic and religious programs within the authority's territory.
- (18) To obtain the assistance required to the cultural events organized by the authority from the government, provincial council, local government institutions, non-governmental organizations and other legal entities.
- (19) To bear the expenses for the programs, exhibitions, concerts and sales of the members of the authority, reimburse that amount and obtain a pre decided portion of such income as revenue.
- (20) To intervene in the coordinations activities of programs aimed at preserving the visible cultural heritages of the authority's territory.
- (21) To collect funds through various programs for the fund (the fund and the account) created for the welfare of all artists.

Constitution
of the
authority

14. The provincial authority shall have a constitution with particulars regarding the composition of the authority, its accounts, and other provisions necessary for the maintenance of the authority. The general provisions to be included in the constitution shall be imposed from time to time by the secretary with the recommendation of the Provincial Director.

Accounts of
the Authority

- (1) The authority has the right to prepare its constitution as per to the requirement and not contradict to the above mentioned general provisions.

Registration
of the
authority and
the
committees

15. The Provincial authority shall maintain and account as per the provisions of its constitutions.
16. The authority and all regional committees shall register them under the provincial director.

17. Provisions needed for the registration mentioned in clause 16, shall be imposed by the minister in charge of the subject by regulations.

Part IV

Establishment of the Central Provincial Cultural Account

18. A separate account shall be maintained for cultural affairs under the central provincial council fund. The funds of this account can be used for the purposes of the welfare of the artists, to preserve folklore and folkarts, moral and spiritual and development and to preserve the traditional heritages. Establishment of Central Provincial Cultural Accounts
19. Credits of the accounts are as follows. Credits of the accounts
- (1) Provisions allocated by the provincial council.
- (2) All local foreign donations and financial assistances made to the department. Paying money from the cultural accounts
- (3) All charges levied under this enactment.
- (4) Revenue gained by the fund raising programs organized by the cultural department.
- (5) Revenue gained through the cultural groups.
20. Funds shall be released by the provincial treasury after the submission of the estimate prepared for the purpose of utilizing the funds of the account, signed by the ministry's secretary to the treasury.
21. All transactions including the revenue and expenditure of the account shall be audited annually by the auditor general. The report of these account shall be submitted to the provincial council-for information-by the minister incharge for the subject after three months from the completion of the financial year. Auditing of the account

The minister incharge for the subject shall submit and annual report to the provincial council within three months from the completion of the financial year.

Part V

General Provisions

22. (1) The minisiter can give orders to implement and enforced the provisions of this enactment. Orders imposed by the
- (2) (1) Minister can give orders on each of the following matters or regarding all matters in a manner which won't affect the common state of the powers granted by the sub section (1).
- (3) Matters required implementing the duties and powers of the department, cultural groups, cultural committees and central provincial cultural authority.

(4) Provisions regarding theatres, Musical performances, shows at cinema halls, entertainment activities and related matters except the approval of cinema movies for exhibition and public performance.

(5) Provisions to set the standards and related matters regarding the production, sale and distribution of "atapirikara" and other sacred items, clothes, jewelleryes and artifacts of the province which are identified as "The provincial cultural heritages which shall be conserved."

(6) Provisions regarding traditional folk arts, traditional dances, songs, public performances and related matters which are identified as "The provincial cultural heritages which shall be conserved."

(7) All the orders made by the minister shall be published in the *gazette* and needed to be presented to the provincial council and approved within three months of such publishing.

(8) All the orders rejected by the provincial council shall be repealed from the date of such rejection in a manner which does not effect any activity executed under such order.

Part VI Offences and Penalties

It is an
offence to
produce
goods not in
accordance
with the
standards

23. (1) Atapirikara, sacred items, clothes, jewelleryes and artifacts of the province which are named as "the provincial cultural heritages which shall be conserved" shall be produced, only in accordance with the proper standards. If they are sold and distributed with the intention of earning profits, it must be done in accordance with the proper standards.

(2) any person or and institution or a group of persons who produce, sell and distribute "Atapirikara", sacred items, clothes and Jewelleryes and artifacts named as "the provincial cultural heritages which shall be conserved." and not in accordance with the proper standards, is committing and offence under this enactment.

(3) Any person or an institution or a group of persons who commits an offence under sub section 2, becomes and offender under this enactment and shall be subjected to a penalty of either a fine not exceeding Rs. 25,000 or an imprisonment not exceeding two years or to both penalties including the fine and the imprisonment, if found guilty after a short trial before a Magistrate.

24. Any person who is violating any provision of this enactment or violating any regulation of and order made under this enactment which is mentioned in subsections 23 (1) and 23 (2), becomes and offender under this enactment and shall be subjected to a penalty of either a fine not exceeding 10,000 rupees or an imprisonment not exceeding 6 months or two both penalties including the fine and the imprisonment, if found guilty after a short trial before a magistrate, in case that offence be not considered for special penalty under this enactment.

Part VII

Interim Provisions

25. The person who is serving as the provincial director of the cultural department of central province from before to the effective date shall be considered as the director appointed under section 03 of this enactment for the matters of this enactment, and the officers working in the department from before the effective date shall be considered as the officers mentioned in the above section 4 of this enactment. Interpretation

26. All assets, responsibilities, liabilities, low suits, and all contracts and agreements with the department of cultural affairs which functioned before the effective date, will be considered as the assets, responsibilities, liabilities, low suits and agreements of the department established under this enactment.

27. In case another meaning needed with regard to the terms of this enactment, otherwise

The term "Visible cultural heritages" stand for all religious places, all places with cultural importance, monuments, documents and items which would be conserved as ancient heritages.

The term "Invisible cultural heritages" stand for all religious and cultural festivals, folk literature, traditional tales, traditional arts, magic and rituals.

The term "Governor" stands for the Governor of the Central Province.

The term "Minister" stands for the Minister incharge of Cultural Affairs of the Central Province.

The term "Province" stands for the Central Province.

The term "Provincial Council" stands for the Central Provincial Council.

The term "Ministry's Secretary" Stand for the Secretary of the Ministry of Cultural Affairs of the Central Province.

The term "Provincial Director" stands for the director of the department of cultural affairs of Central Province.

The term "Provincial Cultural Officer" stands for the cultural officer of the central provincial public service.

The term "Assets" stands for all the assets including the books, documents, cash in banks, cash left in hand, furniture, buildings, lands, projects, all movable and immovable properties belonging to the cultural fund, cultural committees and cultural authority.

The term "Recruitment procedure" stands for the recruitment procedure approved by the central provincial governor.

The term "Artist" stands for persons who are engaged permanently in the fields of singing, music, dancing, literature, art, sculpture, carving, drama, cinema by their natural interest or traditionally or by acquiring educational qualifications in these fields, as well as persons who are rendering or have rendered a service to the society in these fields.

To be
 considered as
 an institution
 sub-listed
 under the
 bribery Act

The term "Cultural affairs" stands for the matters mentioned under sections 25.1, 25.2, 29.1 and 28 of the first list of the sub section 09 of the constitution of 1978.

28. The department shall be considered as an institution sub-listed for the bribery act as per to the explanation to that act and the provisions of that act shall be interpreted accordingly.

Employee to
 be considered
 as state
 officers

29. All the office bearers and employees of the department shall be considered as state officers with regard to the matters of criminal procedure.

30. If there is any inconsistency between the sinhala and Tamil/English language versions of this enactment, the Sinhala version shall considered effective.