

N.B.— Tamil version of this *Gazette* is separately printed.

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## The Gazette of the Democratic Socialist Republic of Sri Lanka

අංක 1,664 - 2010 ජූලි මස 23 වැනි සිකුරාදා - 2010.07.23  
No. 1,664 - FRIDAY, JULY 23, 2010

(Published by Authority)

### PART IV (A) — PROVINCIAL COUNCILS

*(Separate paging is given to each language of every Part in order that it may be filed separately)*

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#### IMPORTANT NOTICE REGARDING ACCEPTANCE OF NOTICES FOR PUBLICATION IN THE WEEKLY “GAZETTE”

ATTENTION is drawn to the Notification appearing in the 1st week of every month, regarding the latest dates and times of acceptance of Notices for publication in the weekly *Gazettes*, at the end of every weekly *Gazette* of Democratic Socialist Republic of Sri Lanka.

All Notices to be published in the weekly *Gazettes* shall close at 12.00 noon of each Friday, two weeks before the date of publication. All Government Departments, Corporations, Boards, etc. are hereby advised that Notifications fixing closing dates and times of applications in respect of Post-Vacancies, Examinations, Tender Notices and dates and times of Auction Sales, etc. should be prepared by giving adequate time both from the date of despatch of notices to Govt. Press and from the date of publication, thereby enabling those interested in the contents of such notices to actively and positively participate please note that inquiries and complaints made in respect of corrections pertaining to notification will not be entertained after three months from the date of publication.

All notices to be published in the weekly *Gazettes* should reach Government Press two weeks before the date of publication *i.e.* notices for publication in the weekly *Gazette* of 30th July, 2010 should reach Government Press on or before 12.00 noon on 16th July, 2010.

LAKSHMAN GOONEWARDENA,  
Government Printer.

Department of Government Printing,  
Colombo 08,  
January 01, 2010.

## Provincial Councils Notifications

### EDUCATION STATUTE, No.01 OF 2010 OF SABARAGAMUWA PROVINCE PROVINCIAL COUNCIL

*Certified on* : 06.05.2010

*Approved On* : 23.06.2010

BY order of the Sabaragamuwa Province Provincial Council,

SRIYANI PADMALATHA,  
Council Secretary (*Actg*),  
Council Secretariat,  
Sabaragamuwa Province Provincial Council.

#### Draft Charter of Education, No. 01 of 2010 of the Sabaragamuwa Province

A Charter to provide for the procedure for Education and Educational Service and matters connected therewith and incidental thereto to the extent mentioned in the Ninth Schedule of the Constitution of the Democratic Socialist Republic of Sri Lanka.

It is hereby enacted by the Sabaragamuwa Province Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows :-

Short Name and Date of Coming into Operation. 1. This Charter may be cited as the Educational Charter No.01 of 2010 of the Sabaragamuwa Province Provincial Council, and it comes into operation from the date it receives the approval of the Governor.

#### PART 1

The Director of Education of the Sabaragamuwa Province and other Officers.

Establishment of the Director of Education of the Sabaragamuwa Province and other officers. 2. It is hereby established the officers of the Director of Education, Additional Director, Assistant Director, Regional Director and Divisional Director and Assistant Director of Education of the Sabaragamuwa Province to establish an educational service to bring forth people with creative skills appropriate for social and financial needs of the country.

3. (1) The person holding office under the name and designation of Provincial Director of Education (hereinafter referred to as the "Educational Director") established by section 2 for the purpose of this Charter shall be the head of the Department of Education of the Sabaragamuwa Province.

(2) The person responsible for implementing the provisions of this Charter subject to the special or general provisions of the Minister of Education of the Sabaragamuwa Province (hereinafter referred to as the Minister) shall be the Secretary to the Department of Education of the Sabaragamuwa Province.

(3) The Governor of the Sabaragamuwa Province shall appoint a suitable person as the Director of Education established in terms of section 2 for the purpose of this Charter.

(4) The Governor of the Sabaragamuwa Province or a person empowered by him shall appoint a suitable person as Director of Education, Additional Director, Assistant Director, Regional Director, and Divisional Director and Assistant Director of Education of the Sabaragamuwa Province established in terms of section three for the purpose of this Charter.

(5) All the officers and employees holding all the offices and designations specifically mentioned in this schedule on the date of this Charter coming into operation shall be considered as appointed under this Charter and they shall act accordingly.

Appointment and Transfer of Officers.

4. (1) Appointment of other officers, administration and transfers including appointment of persons with qualifications to the Teachers' Service, disciplinary control, transfers and appointment of principals to schools shall be vested with the Governor.

- (2) The powers of the Governor in terms of sub section (1) of this section shall from time to time be vested in the Public Service Commission of the Sabaragamuwa Province, through Public Service Commission of the Sabaragamuwa Province to the Chief Secretary of the Sabaragamuwa Province, Secretary of the Ministry of Education of the Sabaragamuwa Province, Director of Education of the Province or to any other officer of the Department of Education comes under Provincial Public Service.

5. The powers and duties of the Provincial Director of Education are as follows :—

The Powers and duties of the Provincial Director of Sabaragamuwa Province.

- (1) Provide facilities for all provincial schools, pre schools and other educational institutes ;
- (2) Managing and supervising the provincial schools, all pre schools and other educational institutions given in section (01) above ;
- (3) Preparing educational development plan and the annual implementing plan ;
- (4) Implementing the annual educational development plan ;
- (5) Assessing the efficiency bar of the officials of the education, in service advisors, principals and teachers ;
- (6) (i) Conducting career counselling and guidance programmers for school leavers after sitting General Certificate of Education (O/L) examination.  
(ii) Provision of guidance and help for those who have technical and vocational education to achieve higher educational qualifications from technical colleges, vocational training institutes and universities ;  
(iii) Conducting workshops approved by the National Institute of Education ;
- (7) Conducting divisional exams approved by the Department of Education Development and the Commissioner, Examinations ;
- (8) Implementing programmers of the non formal education ;
- (9) (i) Registering and supervising pre-schools ;  
(ii) Preparing non formal educational programmers and training of pre-school teachers with the guidance of National Institute of Education ;
- (10) Implementing regional changes in the curriculum of primary schools and the selected subjects of Secondary education according to the instructions of National Institute of Education ;
- (11) Providing and distributing educational aids, visual aids, furniture and other instruments ;
- (12) Building and maintaining school buildings, libraries, play grounds and building related to education ;
- (13) Purchasing and distribution of scientific instruments other than, the instruments which are listed by the Ministry of Education ;
- (14) With the guidance of National Library, Organize and develop school libraries and,
- (15) Fulfilling other duties related to the above mentioned responsibilities and duties.

6. (1) According to the enactment and it's regulations, the Director, Education has the right to empower the functions and responsibilities to the additional Provincial Director of Education, Zonal Director of Education, Deputy Director of Education, Assistant Director of Education.
- (2) Every person who is delegated powers under sub section (1) of this chapter is required to carry out those powers on instructions of Director of Education.

The capacity of the Director of Education in Empowering Responsibilities.

PART II

7. (1) The Minister of Education of the Province with the consent of the Chief Minister of the Sabaragamuwa Province shall establish a Provincial Education and Advisory Board (hereinafter referred to as the Board) which consists of nine persons specialized in the field of Education.
- (2) The Minister of Education of the Province shall also appoint seven (07) persons representing universities, colleges of education, technical colleges and higher educational institutions, piriven, Department of Education of Sabaragamuwa Province, sectors related to language, religion and culture, Tamil medium educational institutions.
- (3) The Minister of Education of the Province in his discretion should also appoint another two (02) persons.

Establishment of Provincial Advisory Boards.

	<p>(4) The Minister shall nominate one of its members as the Chairman of the Provincial Advisory Board, and an officer of the Department of Education of the province shall be nominated as its secretary.</p> <p>(5) The Director of Education shall have the right to attend any meeting of the provincial advisory board, and the chairman of the advisory board shall have the right, upon the recommendation of the advisory board to invite any officer to attend any meeting at any time the board thinks fit.</p> <p>(6) The convening and holding of meetings of the provincial advisory board and the procedure connected therewith, powers and subject area shall be prescribed in the orders published in the <i>Gazette</i> by the Minister.</p>
Functions of the Provincial Advisory Board.	<p>8. (1) The main function of the advisory Board should be giving advice to the Minister with regard to matters connected with the subject of Education or in providing educational facilities with regard to and matters referred by the Minister.</p> <p>(2) The advisory Board shall also be able to perform any other activity vested by a charter promulgated by provincial Council in relation to the subject of Education, in addition to the functions specifically mentioned in the sub section (1) of this section.</p>
The Duration, Resignations of the Provincial Advisory Board.	<p>9. (1) Unless the office is vacated early due to death, resignation or removal, every member of the provincial advisory board holds office for a period of three (03) years.</p> <p>(2) If the Minister considers that the removal of the member appointed by the Minister is appropriate, that member shall be removed by the Minister.</p> <p>(3) Every member of the advisory Board could resign from the office by giving written notice to the Minister.</p> <p>(4) Any member who abstain from attending three (03) consecutive meetings in a calender year as a result of going abroad without prior approval or with prior approval, or illness or due to any other reason, shall be considered as vacated his membership from the date of his non- attending.</p> <p>(5) Whenever a member fails to perform his duties temporarily due to illness or taking leave, the Minister could appoint another person to act on that member's behalf for that period.</p> <p>(6) The Minister shall appoint another person to fill the vacancies occurred due to death, resignation or removal from the office of a member, having taken into consideration the provisions of the subsection (1) of the section 07, and such person shall hold office for the period remaining of the office of his precedent.</p>
Quorum and Procedure of the Meeting.	<p>10. (1) Three members (03) shall be the quorum for any meeting of Board.</p> <p>(2) When the chairman is present, he shall preside over every meeting. If the chairman is not present, the members present shall appoint one of its members to preside over the meeting.</p> <p>(3) Whenever the Chairman fails to perform his duties due to an illness or going abroad, the Minister shall appoint one of its members to act on Chairman's behalf.</p>
Remuneration of the Members.	<p>11. Every member of the Board shall be paid a certain remuneration on the recommendation of the Sabaragamuwa Province Provincial Council.</p> <p>12. (1) Member of Parliament of the Democratic Socialist Republic of Sri Lanka or a member of a Provincial Council or any public representative should not be appointed to the advisory Board.</p> <p>(2) An insane, or a person declared to be bankrupt or any person who is liable to be subjected to a custodial sentence of either description or a person declared to have committed an offence by a competent court shall not be appointed as a member of the Advisory Board.</p>

- (3) The reason that a person is concurrently holding an office of the public service shall not a bar for him to be appointed as a member of the advisory Board.

### PART III

#### PRE SCHOOL EDUCATION AND SPECIAL SCHOOLS

13. Director of Education or a person empowered by him for that purpose shall provide training to the matrons and teachers of the pre-schools and advisory services necessary for the pre schools in the Province subject to the provisions in any other charter. Pre School Education.
14. (1) Director of Education or a person empowered by him shall take steps to establish schools especially for sports and aesthetic subjects, and schools for disabled and elders. Additionally sections can be established in ordinary Schools. Schools for the Sports and Aesthetic Subjects.
- (2) Subject to the provisions in any other charter the Department shall establish special sections in general schools instead of starting special schools for the purposes mentioned in the subsection (1).
- (3) The children selected for special schools and special sections in ordinary schools shall be provided with scholarships when necessary, in conformity with the orders prescribed by the Minister under this Charter.
- (4) The Minister shall have the power to amend the school hours of the schools established in terms of subsection (1) of this section, such school hours shall be similar to those of a ordinary school.

### PART IV

#### GENERAL PROVISIONS

15. It is the duty of the Director of education to provide compulsory educational opportunities to all children who are within the age limit of schooling in the government school within the province. Compulsary Education.
16. It is the duty of the parents or guardians of the children between 05, and 14 years to refer to the schools for education.
- 17 Any application forwarded to any school in the Sabaragamuwa Province shall not be rejected on the basis of religion, nationality, ethnicity, caste, social status or language of the applicant or parents or guardians of the applicant or one of them. Admission of any applicant to any school in the Sabaragamuwa Province shall not be rejected on the basis of religion, nationality, ethnicity, caste, social status or language of the applicant or one of this parents. Admission of children to schools.
18. (1) Subject to the provisions hereinafter mentioned, the student shall be taught as part of the general educational procedure the religion followed by his parents or guardian. Teaching of the Religion.
- (2) The time allocated for the following or worship of a religion shall be at the beginning, end or beginning or end of the school, and a time table specifically showing the time allocated shall be exhibited in every class room of the school.
19. Religion of a student shall be ascertained subject to the following provisions :- Ascertaining the Religion of a Student.
- (a) Whenever the father of a student makes a statement as to his religion with a sound mind, it shall be regarded as the religion of that student.
- (b) Whenever there is no statement a mentioned in the paragraph (a), the statement made by the mother of the student as to her religion with a sound mind, it shall be regarded as the religion of that student.
- (c) Whenever there is no statment under paragraph (a) and (b), the statement made by the legal guardian of the student as to the religion of the student shall be regarded as the religion of the student.

Fees Are not  
 Chargable when  
 Admitting to a  
 School Facilities  
 and Service Fee.

20. (1) A fee shall not be chargeable for admitting to a school or to provide education.
- (2) Without prejudice to the provisions in the subsection (1) of this section, regulations, shall be promulgated to charge a certain sum to cover the expenditure incurred on activities connected to the education and external activities.
- (3) Students shall not be refused to be admitted to school or punished for non-attendance for the reason of failure to pay the facilities and service charges. It is the duty of the principal to take steps to prevent the punishing for non-payment. It is legal to enter into school to inspect the activities, asserts of the school by any person empowered ny Minister, Secretary to the Ministry of Education of the Province or the director.

Director should be  
 informed by the  
 persons who wish  
 to start new school  
 or tuition class.

21. (1) (a) When a person wishes to start a tuition class or a new school or wishes to conduct a class or classes in Sinhala, Tamil or English medium in a building for children, conduction of such proposed school or class should be informed to the Director of Education with written notice including the particulars of such school or class at least two (02) months before the starting of such school or class.
- (b) A written notice which contains the details of private classes and private schools should be submitted to the provincial director with in three (03) months of the date on which this rule is implemented in Sabaragamuwa Province.
- (2) It is the duty of such person giving notice in terms of subsection (1) to provide other information about such proposed school or class or classes requested by the director in addition to the information provided under subsection (1) (a) and (1)(b).
- (3) (a) the director of education shall approve or disapprove any school, class or classes by taking into consideration the standards prescribed by order made by the Minister in terms of section 28 of this charter.
- (b) No private classes or private schools should be conducted on Sundays from 8.00a. m. to 2.00 p. m. and on Fullmoon Poya Days.
- (4) Any person who starts a school or conducts class or classes violating the provisions of the subsections (1), (2), (3) of this section commits an offence under this Charter.

School and  
 Premises shall not  
 be used for any  
 other purposes.

22. School building, equipments and premises shall not be used for purposes other than educational, sports, cultural and public purposes and religious activities, and when it is necessary to use such equipments and premises for an activity with national interest, the prior approval of the Director of Education shall be obtained.

Assets Under the  
 control of the  
 Director of  
 Education of The  
 province.

23. Any asset or property received from the government or provincial council or from any other manner that have been used for implementing the subject of education on the previous date of this Charter coming into operation, all such assets and properties shall be regarded as assests and properties vested in the Director of Education of the province.

Allocation of  
 Financial  
 Provisions.

24. The Provincial Council Act, No.42 of 1987 shall be applied to the allocation or disbursing of money for the maintenance of institutions established under this Charter.

Annual  
 Management Report.

25. (1) The Director of education shall tender to the Minister as annual management report mentioning the details of the manner of conducting educational activities, the issues arsoe and the steps taken to address such issues and the trends in education within the year in consideration, prior to the 31 of July next year.
- (2) The minister shall table the management report tendered in terms of the subsection (1) within two (02) months period.

Power of Minister  
 to issue directives

- 26 (1) The Minister from time to time may issue written special or general directives regarding the duties an responsibilities of the department, and it is the duty of the department to act according to such directives.
- (2) It is the duty of all officers appointed for the purpose of this charter including the director of education to act according to the directives made by the Minister from time to time under this Charter.

PART V

OFFENCES AND PUNISHMENTS

27. (1) If any person commits an offence or if he violates any orders made or directives issued in terms of this charter or omit to act accordingly or intentionally obstruct the performance of any activity vested in any person under this Charter, and when he is convicted before a magistrate after a summary trial, he shall be subjected to fine not exceeding Rupees One Thousand (Rs.1,000) or an imprisonment for a period of two (02) years or for both the fine and imprisonment.
- (2) Under this statute if any person becomes and offender more than once he/she shall be subjected to a fine not exceeding Rupees five thousand (Rs.5000) and imprisonment for a period of six (06) months.
28. (1) The Minister may make regulations regarding all matters prescribed by or empowered under this Charter.
- (2) Every regulations made under the subsection (1) of this section shall be published in the *Gazette*, and such regulations shall come into effect from the date published in the *Gazette* or on a later date specially mentioned in such regulations.
- (3) Every regulations made under the above subsection (1), after publishing in the *Gazette*, shall as early as possible be placed before the Provincial Council for approval. Any regulations which do not receive the approval shall be considered, from the date of such disapproval as repealed without prejudice to anything done early under such order.
- (4) The date of such repeal shall be published in the *Gazette*.
29. The Minister shall have the power to declare a holiday in case of emergency.
30. All officers and employees of the provincial department shall be considered as public servants for the purpose of the Penal Code.
31. The provincial department of education shall be considered as a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be understood accordingly.
32. The "Governor" in this Charter means, the Governor of the Sabaragamuwa Province.
33. The "Chief Minister" in this Charter means, the Chief Minister of the Sabaragamuwa Province Provincial Council.
34. The "Minister" in this Charter means, the Minister of Education of the Sabaragamuwa Province Provincial Council.
35. The "*Gazette*" in this Charter means, *Gazette* of the Government of Sri Lanka.
36. The "Provincial Council Schools" in this Charter means, schools located in the Sabaragamuwa Province Provincial Council other than national schools, schools reserved for members of the armed forces and schools for certain proposed development schemes.
37. In case of an inconsistency between Sinhala and Tamil texts, Sinhala text shall prevail.

Offences and Punishments.

Making Orders.

Declaration of Holidays.

Officers and Employees are Public Servants.

Deparement is a scheduled institution according to the interpretation of the Bribery Act.

Inconsistancy between Sinhala and Tamil Texts.