**THE GAZETTE OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**Part II of March 07, 2024**

**SUPPLEMENT**

(*Issued on 07.03.2024*)



**WOMEN EMPOWERMENT**

**A**

**BILL**

**to make provisions for the Empowerment of Women; to provide for the formulation and implementation of the national policy on advancement and Empowerment of Women; to established a National Commission on women; to establish mechanisms for the protection of women’s rights and to prosecute against the violations of such rights; and to provide for matters connected therewith or**  **incidential thereto**

*Ordered to be published by the Minister of Women, Child Affairs and Social Empowerment*

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| *Women Empowerment* | 1 |

L.D. – O. 49/2023

AN ACTTOMAKEPROVISIONSFORTHE EMPOWERMENTOF WOMEN; TO

PROVIDEFORTHEFORMULATIONANDIMPLEMENTATIONOFTHE NATIONALPOLICYONADVANCEMENTAND EMPOWERMENTOF WOMEN; TOESTABLISHEDA NATIONAL COMMISSIONON WOMEN; TOESTABLISH MECHANISMSFORTHEPROTECTIONOFWOMEN’SRIGHTSANDTO PROSECUTEAGAINSTTHEVIOLATIONSOFSUCHRIGHTS; ANDTOPROVIDE FORMATTERSCONNECTEDTHEREWITHORINCIDENTIALTHERETO.

WHEREAS the Universal Declaration of Human Rights Preamble affirms the principle of non-discrimination and proclaims   
 that all human beings are born free and equal in dignity and   
 rights and entitled to all rights and freedoms without   
5 distinction, including distinctions based on gender:

WHEREAS the Constitution of the Democratic Socialist Republic of Sri Lanka recognizes special provisions being made by Law, subordinate legislation or executive action for the advancement of women:

10 AND WHEREAS the establishment of the National Women’s Commission operating at national level, will serve as the effective mechanism for ensuring the empowerment of women:

NOW THEREFORE be it enacted by the Parliament of the

|  |  |  |
| --- | --- | --- |
| 15 | Democratic Socialist Republic of Sri Lanka as follows: - | Short title |
| **1**. This Act may be cited as the Women Empowerment |

Act, No. of 2024.

**2.** Theobjects of this Act shall be -Objects of the Act

|  |  |  |
| --- | --- | --- |
| 2 | (*a*) | *Women Empowerment* |
| to make provisions for the advancement and |

empowerment of women by introducing   
mechanisms to secure women’s rights subject to   
the provisions of the Constitution;

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | to introduce mechanisms to give effect to the |

obligations undertaken by the Government of Sri   
Lanka in relation to women in terms of the   
Convention on the Elimination of All forms of   
Discrimination Against Women, and in terms of

|  |  |  |
| --- | --- | --- |
| 10 | (*c*) | applicable laws; |
| to formulate and implement the national policy for |

the advancement and empowerment of women by   
timely interventions at all levels across all sectors   
and developing a framework to facilitate and ensure

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| --- | --- | --- |
| 15 | (*d*) | empowerment of women; |
| to protect women from all forms of discrimination |

based on gender and sexual orientation;

(*e*) to take steps to prevent discrimination, marginalization, sexual harassment and violence 20 against women and to strengthen the measures for the prosecution and punishment of acts or omissions relating thereto;

(*f*) to make recommendations for law reforms as a matter of priority, in order to provide for the prevention of 25 discrimination against women, and empowerment of women;

(*g*) to promote the realization of, and ensure equality   
and justice for women and take measures to ensure   
as far as possible, women’s participation in all

30 measures and mechanisms connected with

*Women Empowerment*  3

administration of justice and the equal   
representation of women in decision making   
structures and positions at every level within the   
Government;

|  |  |  |
| --- | --- | --- |
| 5 | (*h*) | to ensure economic empowerment having special |

regards to women with disabilities; and

(*i*) to conduct public education programmes relating   
 to all aspects of empowerment of women.

PART I

|  |  |  |
| --- | --- | --- |
| 10 | ESTABLISHMENTOFTHE NATIONAL COMMISSIONON WOMEN | Establishment |
| **3.** (1) There shall be established a Commission which |
| shall be called and knownas the National Commission on | of the |
| National |
| Women (hereinafter referred to as the “Commission”). |
| Commission |

on Women (2) The Commission shall, by the name assigned to it by   
15 subsection (1), be a body corporate and shall have perpetual   
 succession and a common seal and may sue and be sued in   
 such name.

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| 20 | **4.** (1) The President shall appoint, subject to the provisions | Constitution |
| of subsection (2), seven members to the Commission of whom | of the |
| Commission |
| minimum five members shall be women. |

(2) The President shall obtain recommendations –

(*a*) from the Constitutional Council for appointing   
 five members of the Commission; and

(*b*) from the Women Caucus of Parliament appointed 25 by the Speaker, for appointing two members of the Commission.

4 *Women Empowerment*

(3) The Constitutional Council and the Women Caucus of Parliament, in making their recommendations under subsection (2), shall have due regard to the provisions of subsection (1), and shall make such recommendations from 5 among the persons having distinguished themselves in public life with proven knowledge, experience and eminence in the fields of law or legislation, trade unionism, management and administration, economic development, health, education, empowerment of women or have

10 committed to increase the employment potential of women.

(4) The Constitutional Council and the Women Caucus of Parliament shall make recommendations under subsection (2) within one month from the date of coming into operation of this Act, or from the date of occurrence of a vacancy in the 15 membership of the Commission.

(5) At least three members inclusive of the Chairperson shall be appointed as full time members.

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| 20 | **5.** The Commission shall exercise, perform and discharge | Powers, |
| duties and |
| the following powers, duties and functions for the purpose |
| functions of |
| of achieving the objects of this Act:- |
| the |

Commission (*a*) inquire into and investigate the infringement or   
imminent infringement of women’s rights and   
receive complaints in terms of the provisions of   
Part II;

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | intervene in any proceedings relating to the |

infringement or imminent infringement of women’s   
rights, pending before any Court, with the   
permission of such Court;

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| --- | --- | --- |
| 30 | (*c*) | to formulate National Policy on advancement and |
| empowerment of women in terms of section 6 of |

this Act;

*Women Empowerment*  5

(*d*) develop a framework in compliance with the   
 National Policy on advancement and empowerment   
 of womento facilitate and ensure empowerment of   
 women (hereinafter referred to as the “framework”);

|  |  |  |
| --- | --- | --- |
| 5 | (*e*) | conduct public inquiries in relation to the |

infringement or imminent infringement of women’s   
rights;

(*f*) institute actions in any competent Court on its own   
 motion in relation to the infringement or imminent

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| --- | --- | --- |
| 10 | (*g*) | infringement of women’s rights; |
| take such steps as may be directed by a Superior |

Court or by any other Court in respect of any matter   
relating to women’s rights referred to by that Court;

|  |  |  |
| --- | --- | --- |
| 15 | (*h*) | request or call for any information or reports from |
| any person for the purpose of performing any |

function vested in the Commission under this Act   
or any regulation made thereunder;

(*i*) inquire into, and investigate complaints with a view to ensuring compliance with the provisions of the 20 Constitution relating to women’s rights and to promoting respect for and observance of women’s rights;

(*j*) liaise and interact with state institutions, bodies or authorities in order to foster common policies and 25 practices and to promote co-operation in relation to the handling of complaints by the Commission;

(*k*) open regional and provincial offices of the   
 Commission;

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| 6 | (*l*) | *Women Empowerment* |
| acquire take and hold any property movable or |

immovable by virtue of any purchase, grant, gift or   
otherwise and to sell, mortgage, lease, grant, convey   
devise, assign, exchange, dispose of any such

|  |  |  |
| --- | --- | --- |
| 5 | (*m*) | movable or immovable property; |
| conduct programmes to create awareness and |

disseminate information regarding women’s rights   
and internationally accepted norms relating to   
women’s rights;

|  |  |  |
| --- | --- | --- |
| 10 | (*n*) | to refer any women subject to discrimination for |

mediation in accordance with the provisions   
hereinafter provided, either on receiving a   
complaint on such discriminationor on its own   
motion;

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | (*o*) | make recommendations to the Government and the | |
| Minister – | |
| (i) | on measures to be taken to ensure that |

domestic laws and policies and administrative practices are in accordance with 20 internationally accepted norms and standards on women’s rights; and

(ii) on the formulation of regulations to be prescribed, legislation and administrative directives and procedures required for 25 respecting promoting, protecting and fulfilling women’s rights;

(*p*) to assess the impact of legislation, policies and   
practices on the women’s rights and to make   
recommendations to the relevant bodies in order to

30 promote co-ordination among the bodies handling complaints of women subject to discrimination or violence;

*Women Empowerment*  7

(*q*) take steps to ensure equality and protection to   
 women of different categories and status identified   
 by regulations made under this Act;

|  |  |  |
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| 5 | (*r*) | monitor and evaluate the adherence by private |
| persons and other non-state institutions to policies |

and practices in so far as those policies and   
practices relates to women’s rights;

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| 10 | (*s*) | undertake research in furtherance of the promotion |
| and protection of women’s rights and to promote |
| awareness and provide education regarding matters |

relating to women’s rights;

(*t*) receive grants, gifts or donations whether from local   
 or foreign sources:

|  |  |
| --- | --- |
| 15 | Provided that, the Commission shall obtain prior written approval of the Department of External |

Resources in respect of all foreign grants, gifts or   
donations;

(*u*) award in its absolute discretion, to an aggrieved   
 person such sum of money as it may deem sufficient

|  |  |
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| 20 | to meet the expenses that may have been reasonably incurred by such person in making a complaint to |

the Commission under this Act;

(*v*) make rules in respect of the matters for which rules   
 are required to be made under this Act; and

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | (*w*) | do all such other acts as may be expedient for the | Formulation |
| accomplishment of the objects of this Act. | |
| **6.** (1) The Commission shall formulate the draft of the | |
| 30 | National Policy on advancement and empowerment of | | of the |
| National |
| women (hereinafter referred to as the “National Policy”) | |
| Policy on |
| which shall include the procedures and mechanisms for the | |
| advancement |
| achievement of the objects of this Act. | | and |

empowerment   
of women

8 *Women Empowerment*

(2) (*a*) Upon the formulation of the draft National Policy by the Commission in terms of subsection (1), the Minister shall, being satisfied with the draft National Policy submit such draft National Policy to the Cabinet of Ministers for its 5 approval.

(*b*) The Cabinet of Ministers may, review the draft National Policy forwarded to the Cabinet of Ministers under paragraph (*a*), and may suggest amendments thereto prior to granting approval to such National Policy.

10 (3) Upon the approval of the National Policy by the Cabinet of Ministers under subsection (2), the Minister shall cause such National Policy to be published in the *Gazette* and it shall come into operation on the date of such publication or on such later date as may be specified therein.

15 (4) The Minister shall within one month of the approval of the Cabinet of Ministers, lay such National Policy before Parliament for its approval.

(5) It shall be the duty of the Commission to ensure that every relevant authority complies with the National Policy 20 so approved.

(6) Where Parliament is not satisfied with the National Policy submitted for approval under subsection (4), it shall make its recommendations for amending the National Policy.

(7) It shall be the duty of the Minister to cause to be 25 incorporated such recommendations to the National Policy and resubmit the National Policy to Parliament after obtaining the approval of the Cabinet of Ministers for such amendments.

*Women Empowerment*  9

(8) If Parliament disapproves the National Policy, the notification of such disapproval shall be published in the *Gazette.*

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| 5 | **7.** Every member of the Commission, unless he vacates | Term of |
| office earlier by death, by operation of law, resignation or | office of |
| members |
| removal, shall hold office for a term of four years and shall |

be eligible for reappointment subject to a maximum period of any two terms of office whether consecutive or otherwise.

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| 10 | **8.** (1) The President shall appoint one of the women | Chairperson |
| members to be the Chairperson of the Commission on the | of the |
| Commission |
| recommendation of the Constitutional Council. |

(2) The Chairperson may resign from her office by letter addressed to the President and such resignation shall be effective from the date on which it is accepted by the 15 President.

(3) The President may for reasons assigned therefor remove the Chairperson from the office of the Chairperson subject to the provisions of section 9.

(4) Subject to the provisions of subsections (2) and (3), 20 the term of office of the Chairperson shall be the period of her membership of the Commission.

(5) Where the Chairperson is temporarily unable to exercise, perform and discharge the powers, duties and functions of her office due to ill health, other infirmity,

25 absence from Sri Lanka or any other cause, the President may appoint any other woman member to act as the Chairperson in addition to her normal duties as a member.

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| 10 | *Women Empowerment* | Disqualifications to be a  member of  the |
| **9.** A person shall be disqualified from being appointed or continuing as a member of the Commission, if such person– | |

Commission

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | is or becomes a Member of Parliament, of any |
| (*b*) | Provincial Council or of any Local Authority; |
| is not, or ceases to be, a citizen of Sri Lanka; |
| (*c*) | has been or is adjudged an insolvent by a Court of |

competent jurisdiction;

|  |  |  |
| --- | --- | --- |
| 10 | (*d*) | is or become unfit to continue in office by reason of |
| (*e*) | illness or other infirmity of mind or body; |
| has been or is declared to be of unsound mind by a |

Court of competent jurisdiction;

(*f*) has served or is serving of a sentence of   
 imprisonment imposed by any Court in Sri Lanka

|  |  |  |
| --- | --- | --- |
| 15 | (*g*) | or any other country; or |
| has been removed from office during a previous |

term in which he was appointed as a member of the   
Commission**.**

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| 20 | **10.** (1) The office of a member of the Commission shall | | Removal and |
| resignation |
| become vacant- | |
| of members |
| (*a*) | upon the death of such member; |
| (*b*) | upon such member resigning from such office by |

writing addressed to the President; or

|  |  |  |
| --- | --- | --- |
| 25 | (*c*) | upon such member being removed from such office |
| on any grounds specified in section 9. |

*Women Empowerment*  11

(2) The President may, after an address to Parliament and supported by a resolution passed by a majority of the total number of members of Parliament (including those not present), remove a member of the Commission from office 5 on the ground of proven misbehavior or incapacity under subsection (1):

Provided however, that no resolution for the presentation of such an address shall be entertained by the Speaker or placed on the Order Paper of Parliament, unless 10 notice of such resolution is signed by not less than one-third of the total number of members of Parliament and sets out full particulars of the alleged misbehavior or incapacity.

(3) The procedure for the presentation and passing of an address to Parliament for the removal of a judge of the 15 Supreme Court or the Court of Appeal, shall apply in all respects to the presentation and passing of an address to Parliament for the removal of a member of the Commission.

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| 20 | **11**. (1) The Chairperson of the Commission shall, if | Meetings of |
| the |
| present, preside at all meetings of the Commission. In the |
| Commission |
| absence of the Chairperson from any such meeting, the |

members present shall elect one amongst themselves to preside at such meeting.

(2) The *quorum* for any meeting of the Commission shall be four members.

25 (3) A meeting of the Commission may be held either-

(*a*) by the number of members who constitute a   
 *quorum* being assembled at the place, date and   
 time appointed for the meeting; or

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| --- | --- | --- |
| 12 | (*b*) | *Women Empowerment* |
| by means of audio - visual communication by |

which all members participating and constituting a *quorum* can simultaneously see and hear each participating member for the 5 duration of the meeting.

(4) The Commission may regulate the procedure in regard to the meetings of the Commission and the transaction of business at such meetings.

(5) All questions for decision at any meeting of the 10 Commission shall be decided by the vote of the majority of the members present. In the case of an equality of votes the member presiding shall have a casting vote.

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| 15 | **12**. The salaries of the members of the Commission shall | Remuneration |
| of members |
| be determined by Parliament and shall be charged on the |
| Consolidated Fund. | Members to |
| **13**. A member who is directly or indirectly interested in |
| any decision that is to be taken on any matter by the | disclose any |
| interest |
| Commission shall disclose the nature of such interest at the |

meeting of the Commission where such decision is being 20 taken, and such disclosure shall be recorded in the minutes of the meetings of the Commission and such member shall not take part in any deliberation or decision of the Commission with regard to that matter and shall withdraw from such meeting while such deliberation is in progress or

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| 25 | such decision is being made. | Proceeding, |
| **14**. No proceeding, act or decision of the Commission |
| shall be invalidated by reason only of the existence of a | act or |
| decision not |
| vacancy among its members or of any defect in the |
| invalidated |
| appointment of a member thereof. | by reason of |
| a vacancy |

|  |  |  |
| --- | --- | --- |
| *Women Empowerment* | 13 | Seal of the |
| **15**. The seal of the Commission – |
| Commission |

(*a*) shall be in the custody of the Commission;

(*b*) may be altered in such manner as may be determined   
 by the Commission; and

5 (*c*) shall not be affixed to any instrument or document except in the presence of one member of the Commission and the Executive Director of the Commission or in the absence of the Executive Director, in the presence of any two members of the 10 Commission, who shall sign the instrument or document in token of their presence.

PART II

POWERSOF INQUIRYAND INVESTIGATIONOFTHE COMMISSION

|  |  |  |
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| 15 | **16.** (1) The Supreme Court may refer any matter relating | Procedure |
| to an infringement or imminent infringement of women’s | upon |
| reference in |
| rights, arising in the course of a hearing of an application |
| terms of |
| made to the Supreme Court in terms of Article 126 of the | Article 126 |

Constitution, to the Commission for inquiry and report.

(2) The Commission shall inquire into and report to the 20 Supreme Court any matter referred to it under subsection (1), within the period if any, specified in such reference.

(3) Where in the course of an inquiry or investigation conducted by the Commission in terms of the provisions of this Act, a question arises as to the scope or ambit of women’s 25 rights as protected by this Act, the Commission may refer such question to the Supreme Court for its determination thereon.

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| 5 | 14 | *Women Empowerment* | Commission |
| **17**. (1) The Commission may in addition to the matters | |
| referred to the Commission under section 16, inquire into | | empowered |
| to investigate |
| and investigate an alleged infringement or imminent | |
| the |
| infringement of women’s rights by an action or omission of | | infringement |
| any person**,** on its own motion or upon application made to | | or imminent |
| infringement |
| it under section 18: | |
| of women’s |

rights

Provided that, the Commission shall not entertain any application regarding the infringement or imminent infringement of women’s rights if relief in respect of such 10 infringement has already been sought in any Court, Tribunal or any Institution created or established by the Constitution or any other law for the time being in force.

(2) The Commission shall cause the inquiry and investigation referred to in subsection (1) to be conducted 15 by a Committee appointed by the Commission, within one month of receiving the application or information on the alleged infringement or imminent infringement and the Committee shall conduct the inquiry and investigation subject to the provisions of the Constitution and other written 20 law.

(3) The Committee appointed under subsection (2) shall on conclusion of its investigation, submit a report thereon to the Commission. The Commission shall after consideration of such report, arrive at a final decision on 25 whether there has been an infringement or imminent infringement of women’s rights.

(4) The members of a Committee appointed under subsection (2) shall be paid out of the Fund of the Commission, such allowance as may be determined by the 30 Commission with the concurrence of the Minister assigned the subject of Finance.

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| 5 | *Women Empowerment* | 15 | Application |
| **18.**(1) Any aggrieved person or any other person acting | |
| on behalf of the aggrieved person, may apply to the | | to investigate |
| infringement |
| Commission as referred to in subsection (1) of section 17, | |
| of women’s |
| requesting the Commission to inquire into and investigate | | rights |
| an alleged infringement or imminent infringement of | |

women’s right.

(2) The application under subsection (1) shall be made within one month of the date of, or such person becoming aware of such alleged infringement or imminent 10 infringement.

(3) Where an application is made to the Commission by any person pursuant to subsection (1), the period within which the inquiry into such complaint is pending before the Commission, shall not be taken into account in computing

15 the period of one month within which an application may be made to the Supreme Court by such person in terms of paragraph (2) of Article 126 of the Constitution or which an application for relief may be made by such person to any other statutory body, person, court or tribunal under any

|  |  |  |
| --- | --- | --- |
| 20 | other law. | Both parties |
| **19.** In every inquiry and investigation conducted under |
| 25 | the provisions of this Act, the aggrieved person as well as | to be given |
| opportunity |
| the party who is alleged to have infringed the rights of the |
| to be heard at |
| aggrieved person shall be afforded an opportunity to be | inquiry or |
| heard. | investigation |
| **20.** (1) Where an investigation conducted by the | Steps to be |
| Commission under section 17, does not disclose that an | taken after |
| 30 | conclusion of |
| infringement or imminent infringement of the rights of an |
| investigation |
| aggrieved person had taken place, the Commission shall |
| record that fact and shall, if the investigation was commenced |

upon an application made therefor, forthwith inform the applicant within fourteen days.

16 *Women Empowerment*

(2) Where an investigation conducted by the Commission, under section 17 discloses that an infringement or imminent infringement of the rights of the aggrieved person had in fact taken place, the Commission may-

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| 5 | (*a*) | if the Commission is of the opinion, that the |

grievance complained of may be effectively   
resolved by mediation, refer the matter for   
mediation in terms of section 21 and direct the   
parties to appear before the mediator so appointed;

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | or |
| forward to the relevant persona recommendation |

as to the manner in which in the opinion of the   
Commission, the infringement or imminent   
infringement may be remedied or prevented.

15 (3) The Commission shall inform the aggrieved person of the action that has been taken by the Commission in terms of subsection (2) within fourteen days of the date of the decision.

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| 20 | **21.** (1) Where the Commission refers a dispute for | Mediation |
| mediation under paragraph (*a*) of subsection (2) of section |

20 or subsection (3) of section 36, the mediator or mediators assigned to mediate such dispute shall –

(*a*) mediate between the parties with a view to assisting   
the parties to amicably resolve the dispute;

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | conduct the mediation process in compliance with |

the rules of procedure applicable to the conduct of   
mediation proceedings;

(*c*) conclude the mediation process within a period of   
 sixty days from the date on which the said mediator

30 or mediators were appointed; and

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(*d*) during the mediation process, abide by norms set   
 out in the Code of Conduct for Mediators.

(2) The Commission shall make rules setting out the rules of procedure which will apply to the conduct of mediation 5 proceedings.

(3) The qualifications required of a mediator, preparation of panels of mediators who shall be assigned to mediate disputes and the Code of Conduct for Mediators setting out the norms applicable to a mediator shall be as prescribed.

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| 10 | **22.** (1) Where a settlement by mediation is reached | Procedure |
| between the parties, the terms of the settlement agreed to by | upon |
| conclusion of |
| the parties shall be reduced to writing, by the mediator or |
| Mediation |
| mediators assigned to mediate the dispute, in the form of an |

agreement and shall be signed by the parties who shall 15 thereafter comply with the obligations thereunder. The mediators shall forward a copy of the agreement to the Commission.

(2) Where a matter is referred for mediation under this section and a settlement is arrived at, the Commission shall 20 inform the applicant of the same within fourteen days and shall thereafter make such directions including directions as to the payment of compensation as may be necessary to give effect to the terms of such settlement.

(3) In the event of the mediation process not being 25 successful, or where one party objects to the same, the mediator shall accordingly report the situation to the Commission.

(4) Upon the receipt of the report under subsection (3), where the attempt at mediation is not successful, the 30 Commission may –

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| 18 | (*a*) | *Women Empowerment* |
| make such recommendation as it may think fit for |

the appropriate authority or person or persons   
concerned, with a view to preventing or remedying   
such infringement or the continuation of such

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | infringement; |
| recommend to the appropriate authority, that |

prosecution or other proceedings be instituted   
against the person responsible for such   
infringement; and

|  |  |  |
| --- | --- | --- |
| 10 | (*c*) | grant such relief or make such direction as it may |

deem just and equitable in the circumstances.

|  |  |  |
| --- | --- | --- |
| 15 | **23.** (1) The Commission shall consequent to the | Commission |
| agreement being forwarded to it, notify the parties to the | require parties |
| &c,. to give |
| dispute and any other relevant person or government |
| effect to the |
| department or institution mentioned in the recommendations | recommendations |
| in the |
| of the settlement as embodied in the agreement, to take all |
| agreement |
| such steps as may be necessary to give effect to such decisions |

or recommendations.

(2) Any relevant person or government department or 20 institution who has been directed to give effect to a decision or recommendation contained in an agreement specified in subsection (1), who is unable to take necessary steps to give effect to such decision or recommendation shall forthwith inform the Commission of its inability stating its reasons

|  |  |  |
| --- | --- | --- |
| 25 | therefor. | Appeal |
| **24**. (1) Any person who is aggrieved by a decision of the |
| 30 | Commission made under this Act, may appeal against such | against the |
| decision of |
| decision to the Court of Appeal within one month of the |
| the |
| date on which such decision was communicated to such |
| Commission |
| person. |

*Women Empowerment*  19

(2) Until rules are made under Article 136 of the Constitution pertaining to appeals under this section, the rules made under that Article pertaining to an application by way of revision to the Court of Appeal, shall apply in

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | respect of every appeal made under subsection (1) of this | | Powers of |
| section. | |
| **25.** (1) The Commission shall, for the purposes of inquiry | |
| 10 | or investigation under this Act, have the power to – | | Inquiry or |
| investigation |
| (*a*) | procure and receive all such evidence, written or | under this |
| Act |
| oral, and to examine all such persons as witnesses, | |

as the Commission may think it necessary or   
desirable to procure or examine;

(*b*) require the evidence, whether written or oral, of   
 any witness, to be given on oath or affirmation.

15 Such oath or affirmation shall be that which be required of the witness if such witness was giving evidence in a Court of law, and such oath or affirmation shall be administered to every witness

|  |  |
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| 20 | giving evidence before the Commission, by an officer authorized on that behalf by the |

Commission;

(*c*) to summon any person, to attend or participate in any proceedings of the Commission to give evidence or produce any document or other material 25 in the possession of such person, and to examine such person as a witness or require such person to produce any document or other material;

(*d*) admit, notwithstanding the provisions of the Evidence Ordinance, any evidence, whether written 30 or oral, which might be inadmissible in civil or criminal proceedings, if such evidence is material to the dispute in question; and

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| 20 | (*e*) | *Women Empowerment* |
| to admit or exclude the public from such inquiry or |

investigation or any part thereof.

(2) It shall be the duty of every person summoned under subsection (1) to comply with such summons unless such

5 person is prohibited from disclosing the information required in terms of the Right to Information Act, No. 12 of 2016.

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| 10 | **26.** (1) Any person who gives evidence before the | Privileges of |
| Commission shall, in respect of such evidence, be entitled | persons |
| giving |
| to all the privileges to which a witness giving evidence |
| evidence |
| before a Court of law is entitled to, in respect of the evidence |
| before the |
| given by such person before such Court. | Commission |

(2) No person shall, in respect of any evidence, written or oral, given by that person to, or before the Commission be liable to any action, prosecution or other proceedings, civil 15 or criminal in any Court.

(3) Subject as hereinafter provided, no evidence or any statement made or given by any person to, or before, the Commission, shall be admissible against that person in any action, prosecution or other proceeding, civil or criminal in 20 any Court:

Provided that, nothing in the provisions of this subsection shall affect, or be deemed or construed to affect, any prosecution or penalty for any offence under Chapter XI of the Penal Code (Chapter 19):

25 Provided further that, nothing in the provisions of this sub section shall prohibit or be deemed or construed to prohibit the publication or disclosure of the name, or of the evidence or any part of the evidence of any witness who gives evidence before the Commission for the purposes of

30 the prosecution of that witness for any offence under Chapter XI of the Penal Code (Chapter 19).

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| *Women Empowerment* | 21 | Summons to be under the hand of the |
| **27.** (1) Every summons issued by the Commission shall be under the hand of the Chairperson of the Commission. | |

Chairperson (2) A summon may be served by delivering it to the person   
 named therein or by leaving it at the last known place of   
5 abode of that person, or by sending it by registered post to   
 the abode of that person.

(3) Every person to whom a summon is served shall attend before the Commission at the time and place specified therein and shall answer the question put to him by the Commission 10 or produce such documents or materials as are required of him and are in his possession or power.

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| 15 | **28.** (1) An act done or omitted to be done in relation to | Contempt of |
| the Commission, whether in the presence of the Commission | the |
| Commission |
| or otherwise, shall constitute an offence of contempt against, |
| or in disrespect of, the authority of the Commission if such |

act would, if done or omitted to be done in relation to the Supreme Court, have constituted an offence or contempt against, or in disrespect of, the authority of such Court.

(2) Every offence of contempt committed against, or in

20 disrespect of the authority of the Commission shall be punishable by the Supreme Court as though it was an offence of contempt committed against, or in disrespect of, the authority of that Court, and the Supreme Court is hereby vested with jurisdiction to try every such offence.

25 (3) Any person who –

(*a*) fails without cause, which in the opinion of the   
Commission is reasonable to appear before the   
Commission at the time and place mentioned in   
the summons served under this Act;

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(*b*) refuses to be sworn or affirmed or having been duly sworn or affirmed refuses or fails without cause to answer any question put to him regarding matters being inquired into, or investigated by, the 5 Commission; or

(*c*) refuses or fails without cause which in the opinion of the Commission is reasonable to comply with the requirements of a notice or written order or direction issued or made to him, by the 10 Commission;

(*d*) refuses or fails without cause, which in the opinion of the Commission is reasonable to produce and show to the Commission any document or other material, which is in the possession or control of 15 such person and which is in the opinion of the Commission required for ascertaining the truth of the matters being inquired or investigated into; or

(*e*) fails to comply with a recommendation or decision   
 of the Commission,

20 shall be guilty of the offence of contempt of against, or in disrespect of the authority of the Commission.

(4) Where the Commission determines that a person is guilty of an offence of contempt under paragraph (*b*) or (*c*) of subsection (3) the Commission may transmit to the Supreme 25 Court a Certificate setting out such determination. Every such Certificate shall be signed by the Chairperson of the Commission.

(5) In any proceedings for the punishment of an offence of contempt which the Supreme Court may think fit to take

30 cognizance of, as provided in this section, any document purporting to be a Certificate signed and transmitted to the Court under subsection (4) shall –

*Women Empowerment*  23

(*a*) be received in evidence, and be deemed to be such   
 a Certificate without further proof, unless the   
 contrary is provided; and

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| 5 | (*b*) | be evidence that the determination set out in the |
| Certificate was made by the Commission and of the |

facts stated in the determination.

(6) In any proceeding taken as provided in this section for the punishment of alleged offence of contempt against, or in disrespect of the authority of the Commission, no 10 member of the Commission shall notwithstanding anything to the contrary in this Act except with his own consent, be summoned or examined as a witness.

PART III

OMBUDSFORTHE WOMEN’S RIGHTSANDSTAFFOFTHE COMMISSION

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| 15 | **29.** (1)There shall beappointed to the staff of the | Appointment |
| Commission, a person who shall be called and known as the | of an |
| Ombuds for |
| Ombuds for Women’s Rights (hereinafter referred to as the |
| Women’s |
| “Ombuds”) who shall be charged with theresponsibility of | Rights |

entertaining in the first instance, any complaint connected 20 with gender based violence or to a complaint concerning the infringement or imminent infringement of women’s rights.

(2) The person appointed to hold the office of Ombuds in terms of subsection (1) shall be a person of good repute with

25 proven ability in the areas of law, human rights, mediation and dispute resolution.

(3) Any person who is subjected to, or who is aware of the occurrence of, gender based violence or to the infringement or imminent infringement of women’s rights may make a 30 complaint to the Ombuds.

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(4) The Ombuds shall maintain a record of all complaints received and shall in the order that such complaints are received, make inquiries into the facts of each complaint.

(5) On the conclusion of an inquiry into a complaint, the 5 Ombuds shall forward to the Commission a report containing recommendations and possible avenues of relief available to the complainant in terms of the provisions of this Act.

The Commission shall take cognizance of the recommendations made by the Ombuds in recommending action to be taken in terms of Part II of this Act. 10

(6) Terms of reference applicable to the Ombuds, the remuneration payable, the term of office including manner of removal therefrom and the Code of Conduct to be adhered to by the Ombuds shall be as prescribed.

15 (7) The Commission may issue guidelines specifying the procedure for making complaints to the Ombuds.

**30.** (1) There shall be appointed by the President on the Executive recommendation of the Minister, a person with prescribed Director

qualifications to be the Executive Director of the Commission 20 who shall act on the instructions of and be subject to, the general direction and control of the Commission and be responsible to the Commission.

(2) Subject to any written law and any guidelines issued by the Government from time to time, the conditions of 25 employment including remuneration and scheme of recruitment of the Executive Director shall be determined by the Commission.

(3) The Executive Director may be present at meetings of the Commission and speak at such meetings but shall not be 30 entitled to vote any such meeting.

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(4) The President may for reasons assigned, remove the Executive Director appointed under subsection (1), from such office.

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| 5 | **31.** (1) The Commission may appoint such number of | Staff of the |
| Commission |
| officers and employees, as the Commission may deem |

necessary for the proper and efficient discharge of its functions.

(2) The Commission may –

(*a*) exercise disciplinary control over or dismiss any 10 officer or employee of the Commission;

(*b*) subject to relevant written law and any guidelines issued by the Government from time to time, stipulate the conditions of employment including remuneration and scheme of recruitment of the 15 officers and employees;

(*c*) establish and regulate a provident fund and any other welfare and security schemes for the benefit of the officers and employees of the Commission subject to any written law and make contributions 20 to any such fund or scheme.

(3) At the request of the Commission, any officer in the public service may, with the consent of that officer and the Secretary to the Ministry under which that officer is employed and the Secretary to the Ministry of the Minister 25 assigned the subject of Public Administration, be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission, or with like consent, be permanently appointed to such staff.

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(4) (*a*) Where any officer in the public service is temporarily appointed to the staff of the Commission, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis* 5 *mutandis*, apply to an in relation to, such officer.

(*b*) Where any officer in the public service is permanently appointed to the staff of the Commission, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, 10 apply to an in relation to, such officer.

(*c*) Where the Commission employs any person who has entered into any contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Commission by that person shall 15 be regarded as service to the Government for the purpose of discharging his obligation under such contract.

PART IV

NATIONAL FUNDFOR WOMEN

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| 20 | **32.** (1) There shall be established for the purposes of this | Establishment |
| Act, a Fund to be called the “National Fund for Women” | of the |
| National |
| (hereinafter referred to as the “ Fund”). |
| Fund for |

Women (2) The power of administration and management of the   
Fund shall be vested with the Commission.

(3) There shall be paid into the Fund –

25 (*a*) all such sums of money as shall be voted form time to time by Parliament for the use of the Commission;

(*b*) all such sums of money as may be received by the

*Women Empowerment*  27

Commission by way of aid, gift, grants, donations   
or bequests from any source whatsoever, whether   
in Sri Lanka or abroad with the approval of the   
Department of External Resources; or

5 (*c*) all such sums of money as may be received by the Commission by way of proceeds from the sale of any movable or immovable property of the Commission.

(4) There shall be paid out of the Fund –

10 (*a*) all such sums of money as are required to defray any expenditure incurred by the Commission, in the exercise, performance and discharge of its powers, duties and functions under this Act;

(*b*) all such sums of money as are auhtorized by the 15 Commission to make any ex-gratia payments to any individual or organization in recognition of any exceptional or outstanding contribution to the cause of women’s rights; or

(*c*) all such sums of money as are required to be paid

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| 20 | out of the Fund, by or under this Act. | Commission |
| **33.** The Commission may invest the moneys of the Fund |
| 25 | which is not immediately needed, in such manner as it may | may invest its |
| money |
| determine. |
| Audit and |
| **34.** (1)The Commission shall cause proper accounts to |
| be kept of the income and expenditure, assets and liabilities | Accounts |

and all other transactions, of the Commission.

(2) The financial year of the Commission shall be the calendar year.

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(3) The provisions of Article 154 of the Constitution relating to the audit of accounts of Public Corporation shall apply to the audit of the accounts of the Commission.

PART V

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| 5 | GENERAL | Regulations |
| **35.** (1) The Minister shall in consultation with the |
| Commission make regulations in respect of matters required |

by this Act to be prescribed or in respect of which regulations are authorized to be made.

10 (2) Without prejudice to the generality of the powers conferred by subsection (1), regulations may be made in respect of all or any of the following: -

(*a*) prescribing the manner in which the Commission   
shall appoint the Committee referred to in

|  |  |  |
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| 15 | (*b*) | subsection (2) of section 17; |
| prescribing the eligibility required of the persons |

appointed to the Committee referred to in   
subsection (2) section 17;

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | prescribing the procedure to be followed by the |
| Committee in relation to an inquiry or investigation |

being conducted in terms of section 17;

(*d*) identifying the mechanisms or processes to be   
adopted in relation to complaints and grievances   
received by the Commission in terms of the

|  |  |  |
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| 25 | (*e*) | provisions of this Act; |
| identifying women of different categories and status |

and to prescribe measures to be adopted to ensure   
equality and protection to respective category or   
status;

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(*f*) issuing guidelines to the relevant authorities,   
 specifying the manner of adhering to the framework;

(*g*) prescribing areas in which economic empowerment of women is required and targets to be met under 5 the framework and to ensure not less than fifty *percentum* contribution of women in the national economy;

(*h*) establishing mechanisms to promote empowerment   
 initiatives:-

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| 10 | (i) | for socio economic empowerment of women |

having special regards to women with   
disabilities;

(ii) for the protection of girls from all forms of   
 violence, forced labour, trafficking and

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| --- | --- | --- |
| 15 | (iii) | exploitation; |
| for a support systems for assisting women to |

access judicial processes for obtaining redress

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| for | gender | based | violence | and |

discrimination;

|  |  |  |
| --- | --- | --- |
| 20 | (*i*) | prescribing policies and practices to be adopted by |

private persons and other non- state institutions to   
ensure women’s rights; and

(*j*) for the purpose of carrying out or giving effect to   
 the principles and provisions of this Act.

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

30 *Women Empowerment*

(4) Every regulation made by the Minister, shall as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the 5 date of such disapproval but without prejudice to anything previously done thereunder.

(5) The notification of the date on which any regulation is deemed to be so rescinded shall be published on the *Gazette*.

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| 10 | **36**. (1) The Minister shall take necessary steps for | Special |
| upgrading the Sri Lanka Women’s Bureau to a Government | Power of the |
| Minister |
| Department. |
| under this |

Act

(2) Any person who fails to comply with any regulation made under section 35 shall be liable to inform the Minister 15 in writing the reasons for such noncompliance. If the Minister is satisfied with the reasons given, the Minister may extend the period for compliance.

(3) Where the regulations made by the Minister have not been complied with within the extended period referred to 20 in subsection (2), the Minister may refer the matter to the Commission to resolve by mediation.

(4) The provisions of paragraphs (*a*),(*b*),(*c*) and (*d*) of subsection (1) of section 21 shall apply to a matter referred to mediation under subsection (3).

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| 25 | **37.** The Commission shall at the end of each financial | Annual |
| year submit to Parliament, a report containing a list of all | Report |

matters referred to it, the action taken in respect of them along with the recommendations of the Commission in respect of each matter.

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| 5 | *Women Empowerment* | 31 | Delegation of |
| **38.** The Commission may delegate to any officer or | |
| powers, |
| officers appointedto assistthe Commission any of its powers, | |
| duties or |
| duties or functions in so far as is required for the efficient | |
| functions of |
| functioning of the Commission and the officer or officers to | | the |
| whom such powers are so delegated may exercise those | | Commission |

powers subject to the direction and control of the Commission. Any delegation made under this section may be withdrawn by the Commission.

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| 10 | **39.** The members of the Commission and the officers and | Members of |
| the |
| employees appointed to assist the Commission shall be |
| Commission |
| deemed to be public servants within the meaning and for |
| deemed to be |
| the purposes of the Penal Code (Chapter 19) and every | public |
| servants |
| inquiry of investigation conducted under this Act, shall be |

deemed to be judicial proceeding within the meaning of

|  |  |  |
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| 15 | that Code. | Provisions of |
| **40.** The provisions of Part III of Chapter I under the |
| 20 | the Anti- |
| Heading “Offences relating to Bribery or Corruption” of the |
| Corruption |
| Anti- Corruption Act, No. 9 of 2023, shall *mutatis mutandis* |
| Act, No.9 of |
| be deemed to be applicable to or in relation to, the provisions | 2023 to be |
| applied |
| of this Act. |
| **41.** (1) A liability, whether civil or criminal, shall not be | Protection of |
| attached to any member or officer of the Commission or to | members and |
| 25 | officers of |
| any officer authorised by such member or officer, for anything |
| the |
| which in good faith is done in the exercise, performance or | Commission |
| from suit or |
| discharge of any power, duty or function imposed or |
| prosecution |
| conferred on the Commission under this Act. |

(2) Any expense incurred by the Commission in any suit or prosecution brought by or against the Commission before any Court shall be paid out of the Fund, and any costs paid 30 to, or recovered by, the Commission in any such suit or prosecution shall be credited to the Fund.

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(3) Any expense incurred by any such person in any suit or prosecution brought against him before any Court in respect of any act which is done or purported to be done by him under this Act or any appropriate instrument, or on the 5 direction of the Commission, shall, if the Court holds that the act was done in good faith, be paid out of the Fund, unless such expense is recovered by him in such suit or prosecution.

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| 10 | **42.** (1)The Commission may make rules in respect of all | Rules of the |
| matters for which rules are required or authorized to be made | Commission |
| under this Act. Every rule made under this Act shall be |

published in the *Gazette.*

(2) Every rule made by the Commission shall be approved by the Minister and such rules and the notification of such

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| 15 | approval be published in the *Gazette* within a reasonable period of time not exceeding three months and shall come |

into operation on the date its publication or on such later date as may be specified thereon.

(3) Any rule made by the Commission may at any time,

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| --- | --- | --- |
| 20 | be amended, added to, varied or rescinded in the like manner. | Interpretation |
| **43.** In this Act, unless the context otherwise requires – |

“Minister” means the Minister to whom the   
implementation of this Act has been assigned   
under Article 44 or 45 of the Constitution;

25“Code of conduct for Mediators” means the Code of Conduct for Mediators as prescribed by the Minister under this Act;

“person” includes any body of persons, corporate or unincorporate and a private person but 30 shall not include legislative or judicial bodies;

*Women Empowerment*  33

“prescribed” means the prescribed by regulations   
 made under this Act;

“private person” means any person who is not the State or an organ or employee of the State 5 and includes any incorporated person in which the State, the Government or any public corporation or local authority holds less than fifty *percentum* of the shares of or interests in, such incorporated person; and

10 “women’s rights” mean the rights of women to equality and non discrimination as enumerated in Article 12 of the Constitution and the goals described in Convention on Elimination of All forms of Discrimination 15 Against Women including promoting equal opportunities for women in access to education and employment and ensuring freedom from sexual harassment and all forms of violence against women enabling them

|  |  |  |
| --- | --- | --- |
| 20 | to live in dignity. | Sinhala text |
| **44.** In the event of any inconsistency between the Sinhala |
| and Tamil texts of this Act, the Sinhala text shall prevail. | to prevail in |
| case of |

inconsistency

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| 34 | *Women Empowerment* |

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