



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

**NATIONAL CHILD PROTECTION AUTHORITY
ACT, No. 50 OF 1998**

[Certified on 12th November, 1998]

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*National Child Protection Authority
Act, No. 50 of 1998*

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L. D.—O. 9/97.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL CHILD PROTECTION AUTHORITY FOR THE PURPOSE OF FORMULATING A NATIONAL POLICY ON THE PREVENTION OF CHILD ABUSE AND THE PROTECTION AND TREATMENT OF CHILDREN WHO ARE VICTIMS OF SUCH ABUSE ; FOR THE CO-ORDINATION AND MONITORING OF ACTION AGAINST ALL FORMS OF CHILD ABUSE ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the National Child Protection Authority Act, No. 50 of 1998 and shall come into operation on such date as the Minister may, appoint by Order published in the Gazette.

Short title and
date of operation.

2. (1) There shall be established an Authority which shall be called the National Child Protection Authority (hereinafter in this Act referred to as the “Authority”).

Establishment of
the National Child
Protection
Authority.

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

3. The Authority shall consist of—

Members of the
Authority.

(a) the following members to be appointed by the President (hereinafter referred to as the “appointed members”) —

(i) at least one but not exceeding two—

(A) senior psychiatrists ;

(B) senior paediatricians ;

(C) medical practitioners engaged in the field of forensic medicine ;

(D) senior psychologists,

nominated by the Minister in charge of the subject of Health ;

(ii) a senior officer of the Attorney-General's Department not below the rank of Senior State Counsel nominated by the Minister in charge of the subject of Justice ;

(iii) a senior officer of the Department of Police not below the rank of Deputy Inspector General nominated by the Minister in charge of the subject of Defence ;

(iv) five members from persons who appear to the President to have wide experience, capacity and recognition in law, child welfare, education or any other related field ; and

(b) the following *ex-officio* member, namely—

(i) the Commissioner of Probation and Child Care ;

(ii) the Commissioner of Labour ; and

(iii) the Chairman of the Committee established, by Article 40 of the Charter on the Rights of the Child, for the purpose of implementing the provisions of that Charter.

Disqualification
from being a
member.

4. A person shall be disqualified from being appointed or continuing as a member of the Authority if—

(a) he is or becomes a member of Parliament or any Provincial Council or any local authority ; or

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

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

Removal and
resignation of
members.

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

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

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

6. Subject to the provisions of subsections (1) and (2) of section 5 the term of office of an appointed member of the Authority shall be three years and such member shall be eligible for re-appointment for one more term of office.

Term of office of
members.

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Remuneration or
allowance of
members.

7. The members of the Authority shall be paid remuneration or allowances out of the Fund of the Authority at such rates as may be determined by the Minister.

Chairman and
Deputy Chairman
of the Authority.

8. (1) The President may appoint as the Chairman of the Authority, a member who has proven experience and capacity in the field of administration, management, law, child welfare, education or other related field.

(2) The President may appoint another member as the Deputy Chairman of the Authority.

(3) If the Chairman or the Deputy Chairman is by reason of illness or absence from Sri Lanka, temporarily unable to perform the duties of his office, the President may appoint another member of the Authority to act in his place.

(4) The Chairman and the Deputy Chairman shall not engage in any paid employment outside the duties of their office, without the approval of the President.

Meetings of the
Authority.

9. (1) The Chairman of the Authority shall, if present preside at every meeting of the Authority. In the absence of the Chairman from any such meeting, the Deputy Chairman shall preside at such meeting. In the absence of both the Chairman and the Deputy Chairman from any such meeting, a member elected from among the members present shall preside at such meeting.

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

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

(4) Subject to the preceding provisions of this section, the Authority may regulate the procedure in regard to the meetings of the Authority and the transaction of business of such meetings.

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

Acts not
invalidated by
reason of a
vacancy.

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

Seal of the
Authority.

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

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

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

12. In the exercise of its powers and the discharge of its functions, the Authority shall comply with the policy of the Government in relation to the protection and welfare of children and with any general or special directions issued to it by the Minister in relation to the implementation of such policy.

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

13. (1) The Authority may delegate any of the powers and functions of the Authority to the Chairman and the Deputy Chairman.

Delegation of
powers and
functions of the
Authority.

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

14. The functions of the Authority shall be—

Functions of the
Authority.

- (a) to advise the Government in the formulation of a national policy on the prevention of child abuse and the protection and treatment of children who are victims of such abuse ;

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- (b) to advise the Government on measures for the prevention of child abuse ;
- (c) to advise the Government on measures for the protection of the victims of such abuse ;
- (d) to create an awareness, of the right of a child to be protected from abuse and the methods of preventing child abuse ;
- (e) to consult the relevant ministries, Provincial Councils, local authorities, District and Divisional Secretaries, public and private sector organizations and recommend all such measures as are necessary, for the purpose of preventing child abuse and for protecting and safeguarding the interests of the victims of such abuse ;
- (f) to recommend legal, administrative or other reforms required for the effective implementation of the national policy for the prevention of child abuse ;
- (g) to monitor the implementation of laws relating to all forms of child abuse ;
- (h) to monitor the progress of all investigations and criminal proceedings relating to child abuse ;
- (i) to recommend measures to address the humanitarian concerns relating to children affected by armed conflict and the protection of such children, including measures for their mental and physical well-being and their re-integration into society ;
- (j) to take appropriate steps where necessary for securing the safety and protection of children involved in criminal investigations and criminal proceedings ;
- (k) to receive complaints from the public relating to child abuse and where necessary, to refer such complaints to the appropriate authorities ;

- (f) to advise and assist Provincial Councils and local authorities, and non governmental organizations to co-ordinate campaigns against child abuse ;
- (m) to prepare and maintain a national data base on child abuse ;
- (n) in consultation with the relevant ministries and other authorities to supervise and monitor all religious and charitable institutions which provide child care services to children ;
- (o) to conduct, promote and co-ordinate, research in relation to child abuse and child protection;
- (p) to provide information and education to the public regarding the safety of children and the protection of the interests of children ;
- (q) to engage in dialogue with all sections connected with tourism with a view to minimising the opportunities for child abuse ;
- (r) to organise and facilitate, workshops, seminars and discussions, relating to child abuse ;
- (s) to liaise and exchange information with foreign Governments and international organisations, with respect to detection and prevention of all forms of child abuse.

15. The Authority shall have the power—

Powers of the
Authority.

- (a) to acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property ;
- (b) to borrow, with or without security, moneys, on such terms and conditions as may be approved by the Minister, for the purpose of discharging it's functions ;

- (c) to accept gifts, grants or donations whether in cash or otherwise, and to apply them for discharging its functions ;
- (d) to appoint such officers and servants as may be necessary for carrying out the work of the Authority ;
- (e) to appoint sub-committees or to coordinate with units at provincial level, for the effective discharge of its functions;
- (f) to determine the remuneration payable to the officers and servants so appointed;
- (g) to establish a social security scheme, and provide welfare and recreational facilities for its officers and servants;
- (h) to enter into and perform all such contracts, whether in or outside Sri Lanka, as may be necessary for the exercise of the powers and the discharge of the functions of the Authority;
- (i) to make rules in respect of the administration of the affairs of the Authority; and
- (j) generally, to do all such other things as are necessary to facilitate the proper discharge of the functions of the Authority.

Panel of
officials.

16. (1) There shall be a Panel of officials (hereinafter referred to as "the Panel").

(2) The Panel shall consist of the following officers:—

- (a) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Justice, nominated by the Secretary of such Ministry;

- (b) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Education, nominated by the Secretary of such Ministry;
- (c) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Defence, nominated by the Secretary of such Ministry;
- (d) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Health, nominated by the Secretary of such Ministry;
- (e) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Social Services, nominated by the Secretary of such Ministry;
- (f) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Provincial Councils, nominated by the Secretary of such Ministry;
- (g) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Women's Affairs, nominated by the Secretary of such Ministry;
- (h) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Labour, nominated by the Secretary of such Ministry ;
- (i) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Tourism, nominated by the Secretary of such Ministry ;
- (j) an officer not below the rank of a Senior Assistant Secretary of the Ministry of the Minister in charge of the subject of Media, nominated by the Secretary of such Ministry.

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Panel to assist in
the
implementation of
the decisions of
the Authority.

17. The officials of the Panel shall attend all meetings of the Authority and assist the Authority in the implementation of the decisions of the Authority.

Authority to
advise the
Minister.

18. The Minister may on the advise of the Authority issue general or special directions to any Government departments or statutory institutions requiring any such department or institution to carry out such acts relating to the prevention of child abuse as are specified in such direction.

Staff of the
Authority.

19. (1) The Authority may appoint officers and servants as it considers necessary for the efficient discharge of its functions.

(2) The officers and servants appointed under subsection (1) shall be remunerated in such manner and at such rates and shall be subject to such conditions of service as may be determined by the Authority with the approval of the Minister.

(3) At the request of the Authority an officer in the public service may, with the consent of the officer and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the Authority for such period as may be determined by the Authority with like consent, or be permanently appointed to such staff.

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

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

(6) Where the Authority employs any person who has agreed to serve the Government for a specified period, any period of service to the Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

20. (1) The Authority shall have its own fund (hereinafter referred to as the "Fund").

Fund of the
Authority.

(2) There shall be paid into the Fund—

(a) all such sums of money that may be made available to the Authority out of the Consolidated Fund;

(b) all such sums of money that may be received by the Authority in the exercise, performance and discharge of its powers, duties and functions under this Act; and

(c) all such sums of money received by the Authority by way of gifts, grants or donations.

(2) There shall be paid out of the Fund all such sums as are required to defray the expenditure incurred by the Authority in the exercise, performance and discharge of its powers, duties and functions under this Act or under any other written law and all such sums as are required to be paid out of the Fund.

21. Every donation made by money or otherwise to the Authority shall, for the purposes of paragraph (b) of subsection (2) of section 31 of the Inland Revenue Act, No. 28 of 1979 be deemed to be a donation made in money or otherwise to a fund established by the Government.

Exemption from
certain taxes.

22. (1) The financial year of the Authority shall be the calendar year.

Financial year and
audit of accounts.

(2) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Authority.

Declaration of
secrecy.

23. Every member of the Authority and all officers and servants of the Authority, shall before entering upon his duties, sign a declaration pledging himself to observe strict secrecy in respect of all matters connected with the affairs of the Authority, and shall by such declaration pledge himself not to disclose any matter which may come to his knowledge in the performance or discharge of his duties and functions relating to the identity of any victim of child abuse except—

- (a) when required to do so by a court of law ; or
- (b) by any person or body of persons to whom such matters relates ; or
- (c) in order to comply with any of the provisions of this Act, or any other law.

Returns and
information.

24. (1) For the purpose of enabling the Authority to exercise, perform and discharge any of the powers, duties and functions under section 14 and section 15 of this Act, the Authority or any person authorized in that behalf by the Authority may by notice in writing require any person to furnish to the Authority or to the person authorized, within such period as shall be specified in the notice, all such returns or information pertaining to any activities relating to children as are known to, or in the possession of, such person.

(2) It shall be the duty of any person who is required to furnish any return or information by a notice under subsection (1) to comply with such requirement within the period specified in such notice, except where such person is precluded from making such return or divulging such information under the provisions of any law.

(3) The Authority or any member thereof or any officer or servant of the Authority, shall not disclose to any person or use any returns or information furnished under subsection (1), except when required to do so by a court of law or for the purposes of discharging its functions.

25. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act, shall be construed accordingly.

Authority to be a scheduled institution within the meaning of the Bribery Act.

26. All members, officers and servants of the Authority shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Members, officers and servants of the Authority deemed to be public servants.

27. (1) Where any immovable property of the State is required for any purpose of the Authority, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Authority.

State property both movable and immovable to be made available to the Authority.

(2) Where any movable property of the State is required for any purpose of the Authority, the Minister may, by Order published in the Gazette, transfer to, and vest in the Authority the possession and use of such movable property :

Provided however, that no Order affecting any movable property of the State shall be made by the Minister under the preceding provisions of this subsection, without the concurrence of the Minister having control over such property.

28. (1) Where any immovable property is required to be acquired for any specific purpose of the Authority and the Minister by Order published in the Gazette approves of the proposed acquisition for that purpose that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and transferred to the Authority.

Acquisition of immovable property under the Land Acquisition Act.

(2) Any sum payable, for the acquisition of any immovable property under the Land Acquisition Act for the Authority shall be paid out of the Fund of the Authority.

Protection for
action taken under
this Act or on the
direction of the
Authority.

29. (1) No action or prosecution shall be instituted—

- (a) against the Authority, for any act, which in good faith is done or purported to be done by the Authority under this Act ; or
- (b) against any member, officer or servant of the Authority or a officer of the Panel for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Authority.

(2) Any expenses incurred by any such person as is referred to in paragraph (b) of subsection (1), in any action or prosecution instituted against him in respect of any act which is done or purported to be done by him under this Act or on the direction of the Authority shall be paid out of the Fund of the Authority, if the Court holds that such act was done in good faith.

No writ to be
against a member,
officer or servant
of the Authority.

30. No writ against the person or property shall be issued against any member of the Authority or any officer or servant of the Authority in any action brought against the Authority.

Furnishing of
information to the
Minister.

31. The Minister may, from time to time, direct the Authority to furnish to the Minister in such form as the Minister may require returns, accounts and other information with respect to the work of the Authority and the Authority shall carry out every such direction.

Annual report.

32. The Authority shall submit an annual report to the Minister of all its activities during the year to which the report relates, and the Minister shall cause such report to be placed before Parliament. The Authority may, whenever it considers it necessary to do so, submit periodic or special reports to Minister in respect of any particular matter or matters examined by it, and the action taken in respect thereof.

33. The Authority may, where it has reason to believe that there is child abuse on any premises and that application to court for a search warrant may prejudice investigation into such child abuse, authorize in writing an officer of the Authority to enter and search such premises. An Officer so authorized is hereinafter referred to as an "authorized officer.

Powers of Authority to authorise any officer to enter and inspect any premises.

34. (1) Any authorized officer may—

Power of inspection and search.

(a) enter and inspect any premises of any institution by which child care services are provided ;

(b) enter and inspect any premises, where he has reason to believe that children are being kept for—

(i) the purpose of child abuse ;

(ii) any other unlawful purpose ;

(iii) illegal adoption ;

(c) enter and inspect any hospital or maternity home, where he has reason to believe that, illegal adoptions are taking place in such hospital or maternity home ;

(d) examine any books, registers or records maintained by such institution, hospital or maternity home and make extracts or copies therefrom ;

(e) interrogate any person in any such premises for the purpose of ascertaining the activities carried on in such premises and whether there is any contravention of any law relating to children.

(2) Every person who obstructs or resists such officer in the exercise of any power conferred on him by subsection (1) shall be guilty of an offence under this Act and shall on conviction after summary trial by a Magistrate be liable to a fine not less than one thousand rupees or to imprisonment of either description for a term not less than six months or to both such fine and imprisonment.

Power to seize
articles.

35. (1) Any authorized officer may, if he has reason to believe that any offence under any law relating to children, has been or is being committed, seize and detain—

- (a) for such time as may be necessary, any article by means of or in relation to which the offence is alleged to have been committed or which is used in relation to the commission of the offence;
- (b) any book, register, record or other document or any mechanical or electronic device which in his opinion may constitute evidence in relation to the prosecution of any person for any such offence.

(2) Where any authorized officer seizes any article under subsection (1), such article shall be kept in the custody and control of the Authority pending its disposal.

Authorized
officers deemed to
be peace officers.

36. All authorized officers appointed under section 33 shall be deemed to be peace officers within the meaning of and for the purposes of, the Code of Criminal Procedure Act, No. 15 of 1979.

Offences.

37. (1) Every person who—

- (a) fails to furnish any return or information in compliance with any requirement imposed on him under this Act;
- (b) knowingly makes any false statement in any return or information furnished by him;
- (c) being a member, officer or servant of the Authority or a officer of the Panel discloses any information obtained by him in or in connection with the exercise of his powers or the discharge of his functions under this Act which has the effect of disclosing any matter relating to the identification of victims of child abuse, to any person for any purpose other than a purpose for which he is authorized to disclose such information by this Act;

- (d) contravenes the provisions of this Act or any regulation made thereunder,

shall be guilty of an offence under this Act.

(2) Every person who commits an offence under this Act for which no punishment is expressly provided by any other provision of this Act, shall on conviction after trial before a Magistrate, be liable to a fine not exceeding five thousand rupees or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(3) Where an offence under this Act is committed by a body of persons, then—

(a) if that body of persons is a body corporate every director or officer of that body corporate;

(b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence:

Provided, however that a director or an officer of such body corporate or partner of such firm shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he used all due diligence to prevent the commission of such offence.

(4) Every officer of the Panel or an officer or servant authorized in writing by the Authority shall be deemed to be a public officer within the meaning of section 136 of the Code of Criminal Procedure Act, No. 15 of 1979, for the purpose of instituting proceedings in respect of offences under laws relating to children.

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

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

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

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

Interpretation.

39. In this Act unless the context otherwise requires—

“Chairman” means the Chairman of the Authority appointed under section 8;

“child” means a person under eighteen years of age;

“child abuse” means any act or omission relating to a child, which would amount to a contravention of any of the provisions of—

- (a) sections 286A, 288, 288A, 288B, 308A, 360A, 360B, 360C, 363, 364A, 365, 365A, or 365B of the Penal Code;
- (b) the Employment of Women, Young Persons and Children Act ;
- (c) the Children and Young Persons Ordinance ;
or
- (d) the regulation relating to compulsory education made under the Education Ordinance,

and includes the involvement of, a child in armed conflict which is likely to endanger the child's life or is likely to harm such child physically or emotionally;

"Deputy Chairman" means the Deputy Chairman of the Authority appointed under section 8.

"local authority" means any Municipal Council, Urban Council or Pradeshiya Sabha and includes any authority created or established by or under any law to exercise, performance and discharge, powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha;

"Provincial Council" means a Provincial Council established under Chapter XVIIIA of the Constitution;

40. In the event of any inconsistency between the Sinhala and Tamil texts of this Act the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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