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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1901/22 - 2015 පෙබරවාරි මස 13 වැනි සිකුරාදා - 2015.02.13

No. 1901/22 - FRIDAY, FEBRUARY 13, 2015

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

North Western Provincial Social Services Statute No. of 2015 of the North Western Provincial Council

I do hereby notify that the North Western Provincial Social Services Statute No. of 2015 of the North Western Provincial Council published hereunder will be presented in the Provincial Council of the North Western Province at the expiry of thirty days from the date of its publication in this gazette.

Any person who wishes to make any representation regarding any of the provisions of the Statute, shall forward same to me within the said period of thirty days.

SANDYA S. KUMARA RAJAPAKSE,
North Western Provincial Minister of Social
Welfare, Probation and Childcare, Women's Affairs,
Rural Industry Development and
Rural Development.

On this 11th of February, 2015,
North Western Provincial Minister of Social Welfare,
Probation and Childcare, Women's Affairs, Rural Industry
Development and Rural Development,
2nd Floor,
North Western Provincial Council Secretariat,
Kurunegala.



NORTH WESTERN PROVINCIAL SOCIAL SERVICES STATUTE No. OF

A Statute to provide for the rehabilitation of destitute persons and families residing in the North Western Province and for the efficient maintenance of social services including rehabilitating physically, mentally and socially handicapped persons and providing aid for persons who are feeble and for those who cannot engage in any employment and providing for their social welfare and to provide for matters incidental thereto.

Be it enacted by the North Western Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows :

Short Title and date of operation.

1. This Statute may be cited as the North Western Provincial Council Social Services Statute No. of, and shall come into operation on such date, as the Governor of the North Western Province may approve.

The objects of the Statute.

2. The objects of this Statute are as follows :
 - (1) to provide aid and relief for poor and destitute persons residing in the North Western Province who need to be provided with welfare services and to rehabilitate them ;
 - (2) to care, rehabilitate and develop physically, mentally and socially handicapped persons and aged persons who have become destitute ;
 - (3) to register, supervise, regulate homes/Institutions maintained for physically, mentally and socially handicapped persons and aged persons on voluntary basis or for commercial or other purposes and provide aid to voluntary homes/Institutions ;
 - (4) to provide aid for poor and destitute persons and for those who cannot engage in any livelihood as they suffer from Tuberculosis, Cancer, Leprosy, Thalacemia and other identified exceptional diseases.

PART I

ESTABLISHMENT OF THE PROVINCIAL SOCIAL SERVICES DEPARTMENT, ITS COMPOSITION, POWERS AND FUNCTIONS

Establishment of the Department of Social Services.

3. There shall be established a Department to be called the North Western Provincial Department of Social Services (hereinafter referred to as “the Department”) to achieve the objects of this Statute.

Appointment of the Director.

4. (1) The North Western Provincial Director of Social Services (hereinafter referred to as “the Director”) who shall be an Class I officer of the Sri Lanka Administrative Service shall be the Head of the Department established under Section 3 above.

Composition of the Department.

- (2) The Department shall consist of two Departmental Assistant Directors, Heads of Institutions which are under the purview of the Department, three Headquarter Social Service officers one each for every 15 Divisional Secretary's divisions and adequate number of social service officers, other officers and employees to assist the Director.

(The approved staff may vary depending on the government policies)

- (3) The provisions of the Provincial Council Act, No. 42 of 1987 shall apply to the appointment, transfer, dismissal, disciplinary control of the staff of the Department and the matters incidental thereto.
- (4) All officers appointed for the purpose of this Statute shall be deemed as Public Officers with the meaning of the Penal Code.

5. The duties and functions of the Department are as follows :

The duties and functions of the Department.

- (1) to pay public assistance monthly allowance to poor families ;
- (2) to pay assistance allowances to Tuberculosis, Cancer, Leprosy and Thalacemia patients of poor families, on the recommendations of a Committee comprising of a qualified Medical Officer.
- (3) to provide relief to persons and families who have become destitute having faced with informalities and to rehabilitate them ;
- (4) to establish and maintain homes/institutions for the aged for senior citizens and to rehabilitate them ;
- (5) to establish and maintain homes/institutions for the handicapped and mentally retarded persons and maintain pre-schools and skills development centres and to rehabilitate them ;
- (6) to provide handicapped persons in poor families who seek assistance with equipments such as spectacles, hearing aids, wheel chairs, tricycles, hand rests, clutches, walkers, contact lenses, fabricated limbs etc. to avoid difficulties they face ;
- (7) to provide maintenance assistance and due assistance to registered voluntary organizations/institutions which house and care for aged and handicapped persons and to provide block grants to institutions which provide such services and to supervise such institutions ;
- (8) to provide rehabilitation services for persons who have become or are susceptible to become socially helpless ;
- (9) to provide counseling services to persons and families who are or susceptible to become mentally aggrieved due to various reasons in the society and thereby rehabilitate them and to establish and maintain counseling centers ;
- (10) to conduct special studies, surveys and researches in relation to the objects of the Section 2 above ;
- (11) to provide relief to persons and families who have become destitute having faced with informalities and to persons and families who have become destitute having faced with comprehensive disasters and have not been covered by all other relief services provided by all State institutions and to rehabilitate them ;
- (12) to register all institutions within the North Western Province which house and care for aged and handicapped persons, to formulate standards for the provision of services by these institutions, to inspect whether such standards are adhered to, to take legal action against institutions which do not register themselves or do not adhere to the standards, to provide maintenance assistance and due assistance to registered homes maintained on voluntary basis, to provide block grants to institutions which provide such services and to supervise and regulate such institutions ;
- (13) to provide maintenance assistance for the aged/handicapped persons who are referred to registered homes maintained on voluntary basis, on the approval of the Director of Services or by the Court ;
- (14) to provide educational assistance to children in destitute, dismantled and widowed families with sick and handicapped persons ;

- (15) to provide accommodative housing assistance to low income earning families with no housings ;
- (16) to provide special medical assistance to patients recommended by a Committee comprising of a medical practitioner to be treated for a prolonged period of time ;
- (17) to organize programmes to rehabilitate families of those who are imprisoned.

Powers of the
Department.

6. (1) Any person or institution shall furnish to the Director of Social Services such information or records as may be necessary to discharge and achieve duties and objects referred to in this Statute as and when demanded by him or any other persons authorized by him.
- (2) The Director of Social Services or any officer duly authorized by him shall for the purpose of this Statute, have the power -
 - (i) to enter ;
 - (ii) to search ;
 - (iii) to examine ;
 - (iv) to inspect ;
 - (v) to survey ;
 - (vi) to examine documents, to obtain information as may reasonably necessary for the purpose ; and
 - (vii) to take into possession of necessary documents at all reasonable times of the day without prior notice any home for the aged, any home for handicapped persons or any institution maintained for social service activities which are situated in the North Western Province notwithstanding whether they are registered with any institution or not.

Homes/
Institution
maintained for
the purpose of
duties and
functions of the
Statute to be
registered.

7. All homes and service providing institutions maintained on a voluntary basis in the North Western Province for the purpose of execution of duties and functions indicated under Section 5 shall be registered with the Department of Social Service.
 - (1) In the case of a home or an institution maintained by a foreign Non-government Organization, such registration with the Department of Social Services shall be done after it has been registered with the Secretariat for the Registration of Non-Governmental Organizations of the Ministry of Social Services of the Central Government.
 - (2) All homes and institutions providing social services which are to be commenced within the North Western Province on whatever basis for the purpose of execution of duties and functions indicated under Section 5 shall be temporarily registered with the North Western Provincial Department of Social Services prior to such commencement.
 - (3) The home/institutions which is so commenced shall obtain the permanent registration immediately upon the completion of a period of one year from the commencement.
(Grant of temporary registration after 6 months based on the necessity)

PART II

NORTH WESTERN PROVINCIAL SOCIAL SERVICES FUND

North Western
Provincial Social
Services Fund.

8. There may be established and maintained a fund which shall be called the "North Western Provincial Social Service Fund" for the purpose of achieving the object referred to in Section 2 of this Statute.

9. (1) The Director of Social Services shall maintain a separate Account in a State Bank in favour of the fund. Western Provincial Social Services Fund.
- (2) There shall be credited to the Fund —
 - (i) all such sums of money as may be provided from time to time by the state as grants ;
 - (ii) all such sums of money voted by the Western Provincial Council for the purpose of the Fund ;
 - (iii) all such moneys received as foreign aids and provided by the state under Section 22 of the Provincial Council Act ;
 - (iv) all such sums of money as may be received by way of concerts, lotteries and other accepted sources ;
 - (v) all such sums of money as may be received by way of donation made by local or foreign persons, institutions or organizations.
- (3) There shall be paid out of the fund all such sums as are required to defray any expenditure incurred for the achievement of the objects of this Statute.
- (4) Provided however, that when a sum of money is received under paragraph (iii), (iv) and (v) of Sub-section (2) above on the condition that such money should be spent for a specific purpose, the acceptance of such money to the credit of the fund shall be at the discretion of the Minister.
10. The Secretary of the Ministry shall be responsible for the administration of the fund with the approval of the Minister, through a Board appointed by the Minister at his discretion. Administration of the fund.
11. The Financial Year of the Fund shall be the calendar year. The Financial Year of the fund.
12. The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations and the financial rules of the Western Provincial Council shall apply to the audit of accounts of the fund. Audit of the fund.
13. The Minister shall within six months after the expiry of the calendar year table a report on the administration of the fund in respect of the year, a copy of the audited statement of accounts for the year and a report of the Auditor General on the said accounts. Statements of Accounts of the fund.

PART III

BOARD OF TRUSTEES

14. The Minister in charge of the subject of Social Services shall appoint a Board of Trustees consisting of the following members for the administration of the fund established to achieve the objects referred to in this Statute : Appointment of the Board Trustees.
 - (1) The Secretary of the Ministry in charge of the subject of Social Services in the North Western Province, Chairman ;
 - (2) Director of Social Services of the North Western Province Secretary ;
 - (3) The Deputy Secretary, Finance Management of the North Western Province ;
 - (4) Two other representatives from reputed voluntary organizations appointed by the Minister.

- Term of office.
15. The term of the office of members appointed to the Board of Trustee shall be three (03) years. A member of the Board vacating office by effluxion of time may be eligible for reappointment.
 16. When an ex-officio member ceases to hold office by virtue of which he was appointed, his membership shall cease forthwith and the successor to such office shall be appointed for the remaining period of membership of his predecessor.
 17. Any ex-officio member may resign from the membership on a written request made to the Minister.
 18. The term of office of any member appointed to a vacancy created as a result of resignation or removal of any member, shall be for the remaining period of term of the member who he succeeds.
 19. Any member of the Board shall be disqualified from being a member of the Board, if he becomes or is appointed a member of Parliament, member of a Provincial Council or a member of any local authority from the day he is so appointed.
- The quorum.
20. The quorum for any meeting of the Board appointed under Section 14 shall be three members.
 21. The meeting of the Board of Trustees shall be convened at least once in every 03 months.
 22. The Minister in charge of the subject of Social Services shall remove from office, any member appointed to the Board, if he/she is convicted by any Court or found guilty of any act of misconduct.

PART IV

OFFENCES AND PENALTIES

- Offences
23. Any person who —
 - (1) knowingly furnishes false or erroneous information on any report or on any document prepared or submitted under or for the purpose of this Statute or any regulation made there under ;
 - (2) fails or refuses to submit any information or any report required by this Statute ;
 - (3) fails to execute any order or regulation made by the Director of Social Services without on reasonable grounds ;
 - (4) obstructs any person acting in pursuance of any duty conferred on him by this Statute or any regulation made there under ;
 - (5) contravenes or fails or neglects to comply with the provisions of this Statute or any regulation made there under ;
 shall be guilty of an offence under this Statute.
- Power to institute action.
24. When an offence is committed under this Statute, the Director of Social Services or any other official duly authorized by him shall have the power to institute action.
- Penalties.
25. Any person who commits an offence under this Statute shall on conviction after trial before a Magistrate, be liable to a fine of not less than Rupees Ten Thousand (Rs. 10,000/-) and not more than Rupees Hundred Thousand (Rs. 100,000/-) or to imprisonment for a term not exceeding six (06) months or to both such fine and imprisonment.

Any person who commits any offence under this Statute shall on conviction after summary trial before a Magistrate, be liable to a fine of Rs. 5,000 or to imprisonment for a term not exceeding six (06) months or to both such fine and imprisonment.

PART V

GENERAL

26. The Ministry may make regulations in respect of all matters in relation to which regulations are authorized or required to be made by this Statute. Minister to make regulations.
27. 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 date as may be specified in such regulation. Every regulation made by the Minister shall within 03 months after its publication in the Gazette, be brought before the Provincial Council for approval. Any regulation which is not so approved by the Provincial Council shall be deemed to be rescinded as from the date of disapproval but without prejudices to anything previously made there under and a notification of the date on which any such regulation is deemed rescinded shall be published in the Gazette.
28. The provisions of the Provincial Council Act, No. 42 of 1987 shall apply to grant and expending of financial provisions necessary for the maintenance of institutions established under this Statute. Financial Provision for Departmental Activities.

PART VI

INTERPRETATION

29. In this Statute unless the context otherwise requires : Interpretation.
 - “Minister” means the Minister in charge of the subject of Social Services in the Provincial Council of the North Western Province.
 - “Director” means the Director of Social Services appointed to the North Western Province under the Provincial Council Act, No. 42 of 1987.
 - “Informalities” means minor natural damages caused by reasons not widely spread and beyond the control of a person.
 - “handicapped” means a person with hearing, sight or speech, difficulties, difficulties in mobility mental retardation or other physical deformities.
 - “a poor” means a person who cannot survive on his own unless he is provided with basic assistance.
 - “fund” means the fund established under Section 8 of this Statute.
 - “public assistance” means the assistance granted on a monthly basis to poor, aged and sick persons and physically and mentally retarded persons who have no means of income.

“voluntary institution” means an institution established by a group of citizens on a voluntary basis :

1. which is non-governmental, and dependent upon public donations, contributions, grants in aid provided by the government and local and foreign aids, in the execution of its functions ; and
2. of which the basic objects are to provide assistance and outdoor and indoor services necessary for mentally or physically disabled persons, poor, destitute and helpless persons and to provide assistance in natural disasters.

Sinhala text to prevail in case of inconsistency.

30. In the event of any inconsistency between the Sinhala and Tamil text of this Statute the Sinhala text shall prevail.