



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

WELFARE BENEFITS ACT, No. 24 OF 2002

[Certified on 22nd October, 2002]

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Welfare Benefits Act, No. 24 of 2002

[Certificate on 22nd, October, 2002]

L. D. O. — 26/2002

AN ACT TO PROVIDE THE NECESSARY LEGAL FRAMEWORK FOR THE PAYMENT OF ALL WELFARE RELIEF BENEFITS; TO SET OUT A TRANSPARENT SELECTION PROCESS BY WHICH THE RECIPIENTS OF SUCH BENEFITS CAN BE IDENTIFIED; TO PROVIDE FOR THE TERMINATION OF SUCH BENEFITS; AND TO PROVIDE 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 Welfare Benefits Act, No. 24 of 2002 and shall come into operation on such date as the Minister may, by Order published in the Gazette appoint (hereinafter referred to as the “appointed date”).

Short title and date of operation.

2. The Minister shall appoint for the purposes of this Act—

Appointment of officers.

(a) a person, by name or by office, to be the Commissioner of Welfare Benefits (hereinafter referred to as “the Commissioner”); and

(b) four members of the Board,

who shall be appointed in the manner hereinafter provided; and

(c) such number of persons by name or by office, as may be necessary, to be, Additional Commissioners of Welfare Benefits, Deputy Commissioners of Welfare Benefits and Assistant Commissioners of Welfare Benefits.

3. (1) There shall be established for the purposes of this Act, a body to be called the Welfare Benefits Board, (hereinafter referred to as “the Board”) charged with the administration of the Act and the exercise, performance and discharge of the powers, duties and functions assigned to or conferred on the Board, by this Act.

Establishment of Welfare Benefits Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in such name.

Composition of
the Board.

4. (1) The Board shall consist of—

- (a) the Commissioner of Welfare Benefits, appointed under paragraph (a) of section 2, who shall be the Chairman; and
- (b) the four members appointed by the Minister in terms of paragraph (b) of section 2.

(2) The Minister shall, in consultation with the Constitutional Council appoint the Chairman and the members of the Board. In appointing the Chairman and the four members under subsection (1), the Minister and the Constitutional Council shall agree on the criteria to be used in the selection of such persons.

(3) The Commissioner shall be the Chief Administrative Officer of the Board and he shall be responsible for the implementation of all decisions of the Board and for the exercise and discharge of any power or function delegated to him by the Board or which is conferred on or assigned to him by or under this law.

Term of
office &c., of the
Board.

5. (1) The term of office of the Chairman and each of the members appointed under paragraph (b) of subsection (1) of section 4 shall be three years calculated from the date of their appointment.

(2) The Minister may prior to the expiration of the terms of office specified above, remove from office, in consultation with the Constitutional Council, the Chairman or any member of the Board.

(3) The Chairman or a member as the case may be, shall be eligible for re-appointment as Chairman or member, unless he has been removed from office in terms of subsection (2).

(4) The Chairman and the members shall be paid such remuneration and allowances as may be determined by the Minister.

(5) The Board may act notwithstanding any vacancy in its composition and accordingly no act or decision of the Board shall be invalidated by reason only of the existence of a vacancy among its members or any defect in the appointment of any member thereof.

6. The Board shall have the power —

Powers of the Board.

- (a) in giving effect to the provisions of the Act, to exercise, perform and discharge the powers, duties and functions conferred on or assigned to it, by this Act ;
- (b) to do all such acts as may be necessary or incidental to the exercise, performance and discharge of its powers, duties and functions under this Act ;
- (c) to appoint, remove, remunerate and exercise disciplinary control over such officers and servants as the Board considers necessary for the proper administration of this Act.

7. (1) The Board shall, on the material submitted to it in such manner as is hereinafter provided, select the persons who shall be eligible to receive welfare benefit payments in terms of this Act. Such selection shall be made in a non-discriminatory manner and in accordance with the prescribed selection criteria. No person shall be denied selection as a person eligible to receive welfare benefit payments in terms of this Act, only on the grounds of race, language, religion, sex or political opinion :

Selection of persons eligible to receive welfare benefit payments.

Provided however, any person in receipt of a stipend or payment, monthly or otherwise, under any public assistance scheme or in terms of the provisions of any law for the time

being in force, designed to alleviate poverty or for any other purpose, shall, within three months of the date of the coming into operation of this Act, notify the Commissioner of all the particulars of the stipend or payment so received along with the information required to be furnished in terms of subsection (3). Upon receipt of such notification and information the Board shall review each case in order to ascertain according to the prescribed criteria the eligibility of such persons to receive assistance in terms of this Act. In the event of the eligibility of any person being established according to the prescribed criteria, then such person shall be deemed to be a person who is eligible to receive welfare benefit payments in terms of this Act for an initial period of twelve months and the Commissioner shall notify such person of the same. At the end of such period such person shall if qualified, be eligible to re-apply for entry to a welfare benefit scheme in terms of this Act. The name of such person shall if qualified, be added to the List of names of the person eligible to receive welfare benefit payments in terms of this Act and the Commissioner shall accordingly inform such person of this fact :

Provided further, in the event of the Board deciding that any such person is not eligible to continue to receive such welfare benefit payment, the Commissioner shall notify such person accordingly.

(2) Any person who upon application made under subsection (1), is recognised as a person eligible to receive welfare benefit payments in terms of this Act, in accordance with the prescribed criteria, shall forthwith be informed of such fact by the Commissioner. All payments made to such person or benefits received by such person under any public assistance scheme or in terms of the provisions of any law for the time being in force, designed to alleviate poverty or for any other purpose, shall cease with immediate effect.

(3) Every person applying to receive welfare benefit payments in terms of the foregoing provisions of this section, shall make a declaration to the Commissioner in the manner

and in such form as may be prescribed therefor, setting out all particulars relating to the income, assets and liabilities of such person, his spouse, dependent children or other dependents as the case may be. The information set out in such declaration shall be used by the Board for ascertaining whether a person is eligible to receive welfare benefit payments in terms of any prescribed Welfare Benefit Payment Scheme.

(4) It shall be the duty of a person who has notified the Commissioner in terms of subsection (1) or furnished declaration in terms of subsection (3), to notify the Commissioner of any material change which has occurred in relation to such particulars, within a period of two months of such change.

(5) A person who is selected as being eligible to receive welfare benefit payments in terms of this Act shall hereinafter be referred to as “a person to whom this Act applies”.

(6) A decision of the Board under this section shall be final and conclusive.

8. (1) The Board may for the effective implementation of the provisions of this Act, delegate to any of the officers specified in paragraph (c) of section 2 of the Act or to any District Secretary, Divisional Secretary or Grama Niladhari or public officer any power, duty or function vested in the Board.

Delegation of powers of the Board.

(2) The Board may notwithstanding such delegation continue to exercise, perform and discharge the power, duty or function so delegated and may at any time withdraw such delegation .

(3) The persons to whom any power is delegated under subsection (1) shall in the exercise, performance and discharge of the power, duty or function so delegated to them, be subject to the general direction and control of the Commissioner.

Welfare Benefit
Payment Scheme.

9. (1) All payments of welfare benefits to persons to whom this Act applies, shall be made in accordance with such Welfare Benefit Payment Scheme as may be determined by the Minister, in consultation with the Minister in charge of the relevant subject and with the approval of the Cabinet of Ministers.

(2) Each Scheme shall specify, the criteria for eligibility to receive assistance in terms of a Scheme, the date of commencement of the Scheme, the financial or other benefits to be granted in terms of such Scheme, the period for which persons are entitled to receive benefits in terms of the scheme and the total number of persons who will be recipients under such Scheme, and such other matters as may be relevant to the Scheme.

(3) Every such Scheme shall be published in the Gazette and shall be placed before Parliament for approval, prior to the date of commencement of the Scheme.

(4) The Minister may, in consultation with the Minister in charge of the relevant subject, and with the approval of the Cabinet of Ministers amend a Welfare Benefit Payment Scheme determined under subsection (1). The provisions of subsection (3) of this section shall *mutatis mutandis*, apply, to every such amendment.

Selection
Committees.

10. (1) The Board shall following such procedure as may be prescribed appoint Selection Committees.

(2) It shall be the duty of a Selection Committee appointed under subsection (1) to examine and ascertain the accuracy of the statements contained in the declarations forwarded to the Board under subsection (3) of section 7 and the accuracy of any notification provided to the Board by any person in terms of subsection (1) of section 7.

(3) The Selection Committee shall after inquiring into the declarations submitted to it and after making such inquiries as it deems necessary, forward to the Board a list containing

the names of the persons who in their opinion ought to be eligible to receive welfare benefit payments in terms of any prescribed Welfare Benefit Payment Scheme.

11. (1) The Commissioner shall on receipt of the list under subsection (3) of section 10 and after approval by the Board of the same, cause Notices containing such list of names to be published in two daily newspapers in the Sinhala and Tamil languages, requiring persons to submit objections to the names included in such list, or claims to be included in such list, within a period of ten days from the date of the publication of such Notice.

Objections.

(2) On receipt of any response to the Notice published under subsection (1) the Board shall require the Commissioner to conduct an inquiry and thereafter arrive at a decision on such objection or claim, as the case may be.

12. (1) The Board shall appoint Appeals Committees in accordance with regulations made in that behalf to conduct investigations into the objections or claims received in response to the Notice published under section 11.

Appeals
Committees.

(2) Every Appeals Committee appointed under subsection (1) shall after such inquiry and investigations as the Committee considers necessary in the circumstances, within thirty days of a matter being referred to them, communicate to the Board their decision in respect of the same.

13. (1) Any officer authorised by the Board, may for the purpose of ascertaining the accuracy of the matters contained in the declaration given in terms of subsection (3) of section 7 or information provided to the Board under subsection (1) of section 7, call for any additional information which he considers necessary for such purpose.

Additional
information.

(2) It shall be the duty of any person required to furnish additional information under subsection (1), to furnish such information within the time stated.

Tendering false
information an
offence.

14. (1) The Commissioner or any officer authorised by the Commissioner, may where he has reason to believe that the information contained in a declaration made in terms of subsection (3) of section 7, or information provided to the Board under subsection (1) of section 7, is wholly or partly false, recommend the Board that the name of such person be removed from the list of persons eligible to receive welfare benefit payments.

(2) The Board may, on receipt of the recommendation under subsection (1), after making such inquiry as it considers necessary, remove the name of such person from the list of persons eligible to receive welfare benefit payments and inform such person in writing of the same. The Board shall also discontinue any payment to such person with immediate effect, and where any benefit has been paid to such person, the Board shall require him to refund the same to the Board within such time as is specified in that behalf.

Duties of
Divisional
Secretaries.

15. Every Divisional Secretary shall ensure that all Selection Committees falling within the area of his Division are carrying out their duties in accordance with the provisions of this Act or any regulations made thereunder.

Procedure on
default.

16. (1) Any person required to refund the payments made to him in terms of subsection (2) of section 14 who fails to do so within the time specified, shall be deemed to be in default of such amount and be deemed to be a defaulter for the purposes of this Act.

(2) Where any amount is in default, the Commissioner shall issue a Certificate to the Magistrate of the Division within whose jurisdiction the defaulter resides or any immovable property owned by the defaulter is situated, containing particulars of the name of the defaulter and the amount in default. The Commissioner shall cause a notification of the issue of the Certificate to be served on the defaulter or to be sent to the defaulter by registered post :

Provided however, that non-receipt of such notification by the defaulter shall not invalidate any proceedings which are instituted as hereinafter provided in this section.

(3) The particulars contained in the Certificate issued by the Commissioner shall be deemed for all purposes to be correct and shall amount to a final document in respect of the same.

(4) The Magistrate shall upon receipt of the Certificate in terms of subsection (2), summon the defaulter to appear before him and require him to show cause as to why proceedings for the recovery of the sum stated in the Certificate ought not to be proceeded with against him. In the absence of sufficient cause being tendered, the amount shall be deemed to be a fine imposed by a Magistrate on the defaulter for an offence punishable with fine only and not punishable with imprisonment. The provisions of subsection (1) of section 291 of the Code of Criminal Procedure Act, No. 15 of 1979 (except paragraphs (a), (b) and (i) of subsection (1) of that section) relating to the default of payment of a fine imposed for such an offence, shall thereupon apply and the Magistrate may make any direction, which by the provisions of that subsection he could have made, at the time of imposing such sentence.

17. (1) The Board shall have the power to open and operate such bank accounts as it considers necessary for the due discharge of its functions under the Act.

Board to maintain and operate bank accounts &c.

(2) The Board may, designate the persons by whom such bank accounts may be opened and operated.

(3) The Board may invest any surplus monies of the Board in such investments, as the Board considers prudent. The Board may in its discretion, change or terminate such investments.

18. (1) The Board shall cause to be maintained proper books of accounts of the income and expenditure, and assets and liabilities, and all other transactions of the Board.

Accounts of the Board.

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

(3) The provisions of Article 154 of the Constitution shall apply to the audit of the accounts of the Board.

Expenses of the Board.

19. All expenses of the Board and the monies required for making welfare benefit payments under any Welfare Benefit Scheme shall be charged on the Consolidated Fund.

Offences.

20. Any person who—

- (a) furnishes a false or incorrect declaration in terms of subsection (3) of section 7 or information under subsection (1) of section 7 ;
- (b) fails to notify the Commissioner of any change in the material particulars contained in the declaration made by him in terms of subsection (3) of section 7 or information under subsection (1) of section 7 ;
- (c) furnishes false or incorrect information in response to a Notice published in terms of section 11 ;
- (d) obstructs or interferes in anyway or influences or attempts to obstruct or interfere in any way or influence any person in the discharge of his duties under this Act ; or
- (e) fails to comply with any regulation made under the Act,

shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Offences by public officers.

21. Any public officer who, in the exercise, performance or discharge of his powers, duties or functions under this Act, knowingly and willingly, acts on any information which is false or incorrect, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding ten thousand rupees or to imprisonment to a term not exceeding one year or to both such fine and imprisonment.

22. On the failure of any officer of the Board or member of any Selection Committee to ascertain the genuineness of any statement contained in a document forwarded to such officer or member, which results in the making of an incorrect welfare benefit payment, such amount shall be recovered from such officer or member as a debt due to the State.

Recovery in case of incorrect payments.

23. It shall be the duty of the Divisional Secretaries to cause the lists of names of persons eligible to receive welfare benefit payments to be updated once every year by the addition or omission therefrom of the names of persons who, in relation to the prescribed criteria, in the opinion of the Board become eligible or ineligible to receive welfare benefit payments, as the case may be.

Omission and addition of names to the list of persons eligible to receive welfare benefit payments.

24. The Commissioner may, if he is of opinion that a natural or human made disaster has taken place and that emergency relief of a temporary nature should be made available to those persons affected by the same, extend with the prior approval of the Board the welfare benefit payments made under this Act to such persons. Such persons shall temporarily become persons who are eligible to receive welfare benefit payments in terms of the Act :

Emergency Relief.

Provided that the emergency relief extended in terms of this section shall not in any event extend beyond a period of one year.

25. The Minister may from time to time issue to the Board, general or special directions in writing, in respect of the powers, duties and functions of the Board. It shall be the duty of the Board to comply with such directions.

Minister to issue directions.

26. Every decision of the Board and every recommendation made by a Selection Committee to the Board, and every decision by an Appeals Committee, shall be final and conclusive.

Finality of decisions of the Board.

27. (1) The Minister may make regulations for giving effect to the principles and provisions of this Act and for any matter required or authorized by this Act to be prescribed.

Regulations.

(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 matters :—

- (a) the procedure to be followed and the forms if any to be used in the making of an application for welfare benefit payments to the Commissioner ;
- (b) the Scheme to be followed in choosing the persons to whom this Act applies and in making the welfare benefit payments ;
- (c) the conditions to be complied with by persons applying for the grant of welfare benefit payment ;
- (d) the conditions to be applicable in respect of persons to whom this Act applies ;
- (e) the composition of the Selection Committees and the Appeals Committees and the manner in which appointments are made to such Committees and the procedure to be followed by such Committees ;
- (f) the procedure to be followed in the making of objections to the inclusion of name of any person as a person to whom this Act applies and claims made by persons to be included in the lists published under section 11 ;
- (g) the manner of instituting and conducting inquiries against officers of the Board and members of the Committees for failure to ascertain the accuracy of statements contained in declarations made to them.

(3) Every regulation made under subsection (1) 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 the regulation.

(4) Every regulation made under subsection (1) shall as soon as convenient after its publication in the Gazette, be brought before Parliament for its 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.

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

28. In this Act, unless the context otherwise requires – Interpretation.

“Constitutional Council” means the Constitutional Council appointed under Chapter VIIA of the Constitution ;

“Minister” for the purposes of this Act, shall mean the Minister in charge of the subject of Finance ;

“welfare benefit payment” means a payment to which a person to whom this Act applies, is entitled to, in terms of a Welfare Benefit Scheme ;

“Welfare Benefit Scheme” means a Scheme formulated under section 9 of the Act.

29. (1) Where there is any inconsistency between the provisions of this Act and the provisions of any other law under which any stipend or payment is made to alleviate poverty or as a Welfare Relief Benefit or any other similar purpose, the provisions of this Act shall prevail.

In case of inconsistency this Act to prevail.

(2) Where there is no provision or effective provision made to deal with any matter in any such law as is referred to in Subsection (1) of this section, the provisions of this Act shall apply in relation to such matter.

30. 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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