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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

My Ref. 9/B/21/St. 02 (Chi).

UVA PROVINCE PROVINCIAL COUNCIL

Draft of the Proposed Primary Childhood Statute of Uva Province Provincial Council

I, herewith publish the draft of above proposed statute for public comments which will be enforced in the Uva Province Provincial Council.

The statute will be submitted to the Uva Province Provincial Council for the approval after 10 days from the date of publishing this *gazette notification*. If any comments to be forwarded related to the contents of this statute should be forwarded to the address given below within 10 days from the date of this notice.

SHASHAINDRA RAJAPAKSHA,
Chief Minister and Ministries of Finance, Planning, Law,
Peace, Education, Local Government, Cultural, Transport,
Land, Irrigation, Economic Development,
Rural Infrastructure Facilities and Constructions,
Uva Province Provincial Council.

Office of the Chief Minister,
Uva Province Provincial Council,
King's Street,
Badulla,
20th July, 2012.

CHARTER No. OF YEAR 2012 FOR BASIC CHILDHOOD DEVELOPMENT OF
UVA PROVINCIAL COUNCIL

Be this charter enacted to establish the registration, supervision maintenance, administration and to make provision of matters connected and consequential thereto in respect of day care centres, pre-schools, pre-childhood development centres or/and physical and mental development and protection of children below five years which are being conducted now or inaugurated in the future subject to the limitation of powers vested to provincial councils under the Thirteenth (13th) Amendment of the constitution of Democratic, Socialist Republic of Sri Lanka enacted thus by the Provincial Council of Uva of Democratic, Socialist Republic of Sri Lanka.

Title in brief and
date of
operation.

1. This charter may be cited as charter No. of the year 2012 named as Basic childhood development Charter whilst it shall come into operation with effect from the date of approval by Governor of Uva Province herein after called as "Governor".

SECTION I

Objectives.

2. The objective of this charter is to build up a suitable and an appropriate legal, institution and an administrative structure, to develop the childhood during the period up to the completion of five years which is considered as the childhood of a child and to show the correct path towards achieving and fulfilling the under mentioned objectives to enable to obtain experience in association with the faculties and establish an appropriate fruitful and a secured environment.

1. To get organized with a good courteous and a polite style of conduct and a complaisant speech through the day to day activities.
2. To train good health habits and to give appropriate nourishment to children.
3. To supply an environment to build up and inculcate good qualities.
4. To give appropriate education and appropriate protection to the children below the age of five years.
5. To safeguard rights of children and child protection and execute the laws pertaining to them.
6. To develop the mentality and personality of children.
7. To render an opportunity for physical and cycomotor skill development of children.
8. To develop wise creative skills.
9. To guide in conserving the environment and through it to appreciate and love the Environment enjoying it.
10. To render the ability to challenging occasions.
11. To build a friendly environment in getting trained to work in mutual life.
12. To allow the child to live with pleasure and enjoyment during the childhood age.
13. To enthus and to wake up the talents of children of this age effecting an environment to nourish them.
14. To render a strong foundation for their future education.

SECTION II

ADMINISTRATION AND SUPERVISION

Establishment of
An authority.

3. (1) An Authority shall be established for Uva Province childhood development herein after called "Authority" to fulfill the objectives of this Charter.

Appointment of
Competent
Authority.

(2) The Governor should appoint a person by name or *ex-officio* for the authority herein after called as "Competent Authority".

Responsibilities
of the compe-
tent authority.

(3) The responsibility of the competent authority shall be executing the Provision of the Charter and performing the duties and task to achieve the objectives of the Charter.

4. (1) The competent authority shall be herein after called as “Director” who should execute his duties and tasks under the supervision and administration of Uva Provincial Director of Education while he also should work under the ordinary and special provision of the provincial secretary in-charge of the Educational Ministry herein after called as “Secretary” and the Provincial Minister in-charge of the subject of education herein after called as “Minister”.

Supervision and administration.

(2) The duties and tasks relevant to basic childhood development centres, the powers held by pre-childhood development centres, pre-school day care centres, and any other competent Centres maintained within Uva Province for physical or mental or development authority of children below five years of age which are herein after called as “Centres” and should be effected by the competent authority in respect of any centre while any duties or tasks expected to be executed by him in any other place in this charter he will be empowered to execute powers vested to him through the chart as mentioned hereunder.

The Powers Duties tasks held by the competent Authority.

- A. To enter into the centres maintained within the province and examine the precincts as well as the relevant documents and letters ;
- B. To question obtain explanation orally or in writing from owners or parties such centres are being maintained or any one who will be present there doing administrative work ;
- C. To register any centre or reject such request for registration showing the Causes ;
- D. To examine any documents, books, registers notes or files and take them into custody of him ;
- E. To take steps to suspend interdict, or dismiss the services of those who are engaged in teaching in any centre if they fail to prove their qualifications ;
- F. To order the owner or the institution itself who maintains such centre to grant at least the minimum facilities to the children studying in such centre ordered by the charter. ;
- G. To suspend or stop any centre maintained, after an investigation or inquiry provided that it does not maintain the centre under the provision indicated in the charter ;
- H. To grade the centre considering the service facilities and staff maintained by such centre ;
- I. To hold training programmes, seminars and workshops to the teachers and working staff in centres. And order such teachers or working staff to participate in them ;
- J. To subject the centres to supervision and investigation from time to time ;
- K. To introduce books, documents, registers and forms to be maintained in the centre and order them to be used.

5. The authority should execute any powers duties and tasks vested to him under any provision out of the provision indicated in the charter.

6. Any powers duties and tasks vested, empowered or apportioned to the authority under this charter can be vested to any other officer in the state service in provincial council on approval of the director.

Vesting of powers.

SECTION III

APPOINTING OF ADVISORY COMMITTEES IN REGARD TO BASIC CHILDHOOD DEVELOPMENT

7. The Governor should appoint an advisory committee herein after called as “Advisory Committee” Consisting of under mentioned members in respect of basic childhood development.

Appointing of Advisory Committee.

(A) The members of the basic childhood development advisory committee appointed herein after mentioned as ex-officio members,

1. The Secretary In-charge of the subject of Education in the Ministry of Uva Provincial Council.
2. Provincial Director of Education of Uva Province members.
3. Provincial Director of Health Services of Uva Province.
4. Commissioner of Probation and Child Care of Uva Province.
5. Commissioner of Local Government Department of Uva Province.
6. Provincial Director of Social Services Department of Uva Province.

(B) Members herein after appointed and called as Members,

1. A delegate recommended by the Director of the National Children's Secretariat.
2. A Pre-school Teacher recommended by the Commissioner of Local Government in Uva province.
3. Two delegates who work relevant to the subject of basic childhood development in Voluntary organizations with one delegate from each district recommended by the District Secretaries of Badulla and Moneragala districts.
4. delegate well versed in the subject of pre-childhood development recommended by the Minister.

Chairman and secretary.

8. (1) The secretary of the subject of education in the Ministry of education of the province of Uva should be the chairman of the advisory board out of the members appointed as ex-officio of the committee while a suitable and an appropriate person appointed by the Governor shall be the secretary of the committee.

Term of office.

(2) The term of office of the advisory committee should be limited to three years.

Quorum for the committee.

(3) The quorum for a meeting of the advisory committee should consist of five members.

entitled period of a member for the post.

(4) Unless a member named resigns, dies dismissed or vacates the post earlier the member should function in the post for three years.

that can be vacation of post.

(5) If any appointed member gets absent for three consecutive days for three meetings without any valid reason accepted and considered by the advisory board such member should be treated as having vacated the post and after the secretary of the committee informs the Governor, the Governor shall appoint a suitable successor.

ejection from the post.

(6) Any member in the advisory committee can be ejected from at any time by the Governor after informing in writing.

resignation from post.

(7) Any named member can inform in writing that he wishes to resign from the post, while if the Governor accepts his resignation the member can resign from his post.

(8) In an instance where a member shall demise resign, or ejected from the post or the post in fallen vacant for some other reason the governor shall consider the provision in paragraph 7(1) A and another person shall be appointed as a successor. A successor appointed so in lieu of such member shall hold the post for unexpired balance period held by the predecessor as a member of the committee.

(9) A person name as a member to this committee once should be able to be named again as a committee member.

- (1) The advisory committee should prepare the procedures relevant to matters in regard to maintaining of this committee subject to the other provision contained in the charter. Maintaining of the committee.
- (2) The advisory committee should meet at least once in three months. Meeting of the committee.
10. If any person,
- (A) is not a citizen of Sri Lanka or ceases being a citizen,
or
- (B) is being stated insane bankrupted under any laws or regulations in force in Sri Lanka or any other country
or
- (C) is being stated to have been punished or is being punished with a term of imprisonment by a court of Law/jurisdiction of Sri Lanka or any other country.
or
- (D) If the Governor gains an opinion that anyone as a member of the advisory board is subject to any monetary or any other connection detrimental or harmful to him in executing his duties.
or
- (E) is being punished or subject to be a convict or offender under any offence coming under this charter shall be Ineligible or unsuitable to be appointed as a member of the advisory committee, or execute duties of tasks. Ineligibility or unsuitability to be a member of the committee.
11. Any decision or action taken by the advisory committee shall not become powerless, invalid or cancelled owing to the fact that a vacancy or deficiency in appointing a member thereon.
12. The advisory Committee shall perform the following duties and tasks, The duties and tasks of the advisory committee.
- (A) Taking relevant decisions on principles in connection with centres and preparation of relevant orders in executing them and to inform and submit such orders to the minister.
- (B) Identify the duties and tasks that should be fulfilled by the sections and prepare a work strategy, and advice, review and supervise in connection with it and issue instructions from time to time.
- (C) Supervise the activities of the registered centres within the administrative area of the provincial council of Uva order the syllabus for relevant subjects in the centres revise and take other decisions relevant to the principles of them.
- (D) Identify the children who need special attention prepare programmes for the future to suit them and also Parents of such children should be made aware and take steps to prepare programmes appropriate for the development of such children.
- (E) To decide about the steps to be taken against the centres which perform activities and maintain centres contrary to the provision contained in the charter.
- (F) To scrutiniz and examine the appeals received in respect of registration of centres and inform suitable instructions to the competent authority in this charter.
13. The advisory committee should prepare a syllabus that should be utilized by all centres in Uva province in accordance with the guidance of the National Education institute while it should be activated in all centres in the province of Uva after the acceptance of the syllabus by the minister. Preparation of a common syllabus.

SECTION IV

STANDARDS FOR THE CENTRES

Minimum facilities that should be there.

14. (1) The centres should consist of the following basic and minimum facilities :

- (A) Allocation of at least ten square feet of room in the building for a single child should be possessed in the centres.
- (B) To construct a water sealed latrine system consisting of one latrine for every twenty five children.
- (C) The floor of the building should be rendered with cement or such permanent cover out of the room extent of the building and the doors and windows should consist of 1/7 of the total square feet for ventilation.
- (D) The premises and the precincts of the centre should be well secured by means of a parapet wall or at least with a secured fence.
- (E) A first aid box should be maintained under the instructions of the competent authority.
- (F) There should be a play compound in every centre with sufficient room to play.
- (G) There should be clean and pure drinking water and sufficient water facilities Required for other purposes.
- (H) There should be teaching staff in every centre for the proportion of (1:20) one to twenty for ordinary students and 1 : 5 (one to five) for special children.
- (I) The ground or the garden of every centre should be prepared with a pleasant looking environment and it should consist of basic sports facilities as ordered by the competent authority.
- (J) There should be sufficient furniture and equipment and they should be maintained in a pleasant way to bring about the mental pleasure of the children.
- (K) There should be an appropriate and a suitable place prepared to do religious rites and activities.

(2) A centre should not be established where there is a dangerous and a harmful environment or even in an area where there is a dangerous or harmful area within 100 m (One hundred metres) from the centre.

the standards of centres.

15. The owners, managers or administrations should take action to maintain each and every such centre that is maintained in the province of Uva by the date this charter is effected and before a time period prior to enactment and of one year being elapsed according to the standards contained and indicated in item 14 of the charter on effecting the charter.

standards can be ordered.

16. The minister is able to order from time to time what the standards are to be followed by each and every centre to become eligible to be registered under this charter from time to time.

SECTION V

REGISTRATION OF CENTERS

17. After enactment or the date of operation of this charter basic childhood development centre or a day care centre or a pre-school or a centre for physical and mental development of children below five years should not be maintained or established without the approval of the competent authority.

18. The owner, manager, or the administrator of each and every centre maintained in the province of Uva should apply for registration from the competent authority before expending three months of publishing this charter in the *gazette*. registration should be applied within three months.

19. After publishing this charter in the *gazette* and within three months if the owner, manager, or the administrator fails to apply for registration according to the item 18 above in this ordinance and later apply for registration with justifiable and fair reasons for the failure that can be seen at a glance the competent authority shall consider the expended time and register such centres by charging an additional fee. delayed applications for registration.

20. After this charter is enacted newly inaugurating centres should be registered prior to inauguration. registration of new centres.

21. (1) The applicant should pay the fee for registration as ordered by the competent authority.

(2) The qualifications and other requirements for registration, relevant forms and fees should be expressed by the competent authority.

(3) The competent authority has the power to extend period for registration to charge an extra fee for the delayed period or impose a fine.

22. (1) Every institution maintained by the time of executing this charter in the objective of any form of an educational affair for children below five years in the province of Uva shall be considered as a basic childhood development centre or a day care center.

(2) The day care centres maintained for small children below five years of age by the social services department and basic childhood development centres under probation department should also be registered under this charter.

23. Anyone who inaugurates or maintains violating the provision or acting contrary to the provision of the charter shall be treated as an offence under the provision of this charter and he shall be subject to a fine of Rs. 500 (five hundred rupees). However if the same offence is being done right throughout by such person action will be taken according to the item 40 below of the charter before expending six months.

24. If and when an application is tendered to the competent authority by some institution maintaining a basic childhood development centre or a pre-school or a pre-childhood development centre or a day care centre by the day this charter is executed and if such application is not in terms of the provision in this charter the competent authority can reject the application for registration on informing the reasons. rejection of registration.

(1) In an instance of such rejection of registration the applicant, owner or the manager of the centre should be informed the reasons for the rejection within a month the application was tendered for registration.

(2) in an instance such rejection is made the owner or the manager of the centre can submit an appeal in that regard to the Secretary within ten days.

(3) On receipt of such an appeal the secretary should submit it to the advisory board a decision should be taken by obtaining the observations and recommendations of the advisory board.

(4) The decision taken by the advisory board in respect of registration of centres shall be final.

The register
registration
certificate and
number.

25. (1) A register should be maintained in respect of registration of centres with the names and addresses of such centres, the names and addresses of the persons who maintain them and any other details that the competent authority decides about centres maintained by the time this charter has been enacted and operated and centres registered after executing provision of this charter and newly opened centres with registration according to the provision in the charter.

(2) All centres with proper standards should be registered by the competent authority and a number and the register, certificate and certificate of registration should be given the number of registration.

(3) Such certificate should be treated as a valid legal document in respect of tasks in this charter.

SECTION VI

REQUIRED QUALIFICATIONS AND TRAINING OF RESOURCE PERSONS OF CENTRES

Educational
Qualification for
resource persons.

26. (1) The persons who develop the knowledge, talents, concepts and intelligence of children in the centres by the date this charter is executed herein after called as "Resource Persons" and such persons called as resource persons including any of the teachers, instructors, administrators, assistants of both sexes who are engaged in such tasks should have passed at least ordinary level exam in six subjects including sinhala language, mathematics in the general certificate of education held by the Department of Examinations of Sri Lanka or should have followed a course in basic childhood development under an institution recognized by the advisory board.

(2) Those resource persons who are engaged in centres inaugurated after executing this charter should have passed in three subjects in the Advanced Level Examination of the general certificate of education held by the Department of Examination of Sri Lanka.

period of time
given to fulfill
the
qualifications.

27. If resource persons engaged in the centres which were being conducted and maintained before the enactment and executing of this charter have not fulfilled the qualifications mentioned above in the ordinary level examination of the general certificate of education should pass such examination within two years of the executing of this charter or should follow and pass an educational course in basic childhood development held by a recognized institution ordered by the competent authority.

ejection
unqualified
resource persons.

28. The competent authority has the power to order to leave or eject resource persons who are unqualified in basic educational qualifications mentioned above and those who have failed to fulfill such basic educational qualifications within the specified period given any resource person who has received such an order and violates that order it is an offence under this charter.

registering of
resource persons.

29. (1) All resource persons engaged in any centre by the time this charter is executed should apply for registration to the competent authority within six months of executing of this charter.

(2) Any individual who makes an application for such registration who is working as a resource person and has fulfilled the qualifications the competent authority should register the details of such person in a register and issue an identity card proving that he is a resource person.

(3) Not a single individual should work as a resource person who has not been registered, while anyone who violates or work contrary to this provision shall be treated as an individual who has committed an offence under this charter persons.

None should work as resource without being registered.

30. All training institutions situated in the province of Uva which train resource persons for the task of basic childhood development (except national level state institutions) should be registered with the competent authority while a registration certificate should be obtained from the competent authority while if such an institute is being maintained without such registration it is an offence under this charter.

the training institutes must be registered.

31. The competent authority should prepare a formal work programme relevant to the training persons every year and submit to the advisory committee.

32. The competent authority has the power to order to leave or eject the resource persons who do not participate in training programmes conducted by the advisory committee.

the power to eject those who do not participate in training.

33. The resource persons in centres should continuously attend training programmes ordered according to a time frame by the advisory committee.

training compulsory.

34. The competent authority should prepare a formal plaie as an awareness programme for the parents with advice and instructions of the advisory committee.

parents of children should be made aware.

SECTION VII

GENERAL PROVISION

35. (1) The Minister is able to make rules and regulations or orders that are being ordered in this charter to be ordered or the power vested in this charter, to make orders at any required instance or matter.

Ability of Minister to make orders.

(2) All rules, regulations and orders made by the Minister shall be published in the *Gazette* and from that date or any definite post date mentioned in the order such rules, regulations or orders should be executed.

(3) After publishing all rules, regulations and orders made by the Minister in the *Gazette* it should be submitted to the provincial council as soon as possible for approval. All non approved rules regulations and orders shall be treated as cancelled from the date of such non-approval without being a hindrance or harm for anything done under it earlier.

(4) Any rule, order or regulation that has been treated as cancelled should be published in the *Gazette* as a notice with date of such non-approval.

(5) All rules, regulations and orders made by the Minister under sub-section (1) above should be powerful as orders made through the charter after the approval of the provincial council.

36. If in the idea of the Minister services of any individual is required to execute the tasks and duties contained in the charter for a limited period the Minister can obtain such services while an incentive payment can be made when the Governor orders an incentive payment to him or her.

37. An incentive payment can be made to registered centres, annually by the competent authority with the approval of the advisory committee.

incentive payment annually to centres.

38. The competent authority, should take action to issue any report or document required by the Governor or advisory committee or the secretary or the director or the Minister and also should take action if an appropriate order advice or any guidance given.

SECTION VIII

OFFENCES, PENALTIES AND PUNISHMENTS

Breach and
violate provision
and rules and
orders and
obstructing duties
and tasks.

39. If any breach or violation of rules, regulations, orders and laws or provision made under this charter or obstruct to carry out duties and tasks of any individual who holds powers or take action or work according to provision thereon will be an offence under this charter.

Penalties for
convicts.

40. Each and every individual who commits an offence maintained in such section 39 above if found guilty of such offence before a Magistrate after a brief court case such individual shall be subject to a fine not exceeding Rs. 10,000 (Rupees Ten thousand) or term of imprisonment not exceeding six months or subject to one or both punishments.

Court duties.

41. If and when fulfilling the objectives of this charter or by going to execute any provision or rule contained in this charter or perform duties and tasks under this charter the competent authority or any officer delegated by him and detailed in writing should be able to submit matters or give evidence in a court of law if found necessary.

42. If anybody is fulfilling the tasks and duties of this charter or appointed or named for such purpose such individual or individuals will be treated as government servants under the penal code.

43. When this charter is enacted and executed the Basic childhood charter No. 5 of the year 2011 of the Provincial Council of Uva will be treated as non-effective and cancelled.

INTERPRETATION

44. Unless and otherwise there is a different interpretation or complication in the meanings in words and phrases. In this charter and required so

“Province” means “Provincial Council” means provincial council established as Uva Province Provincial Council under ordinance 154 A(1) of the Chapter xvii of the Constitution of Sri Lanka.

“Competent Authority” is the competent authority in this charter is the officer appointed on a formal basis and the Officer who could work on behalf of him.

“Provincial Council State Service” means the Provincial Council State Service established under the ordinance No. 32 of the Provincial Councils Act, No. 42 of 1987.

“Centres” means centres established as day care centres given education and protection to children below 5 years.

Pre-schools, Pre-childhood development centres including the centres established to develop mental and physical Development and protection of children.

“Managers” The owners, managers, administrators and entrepreneurs who maintain these centres.

“special Children” The children who are disabled in eye sight, hearing and body and certain whose mental and physical growth is slow.

“An individual or person maintaining centres” means a person or individual who is maintaining centres or Entrepreneur or voluntary organization or corporate institution.

“Scheduled date” or “definite date” means the date of approval of the charter.

45. If there is a different version in Sinhala and English versions the Sinhala version shall be accepted as correct.

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