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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

CENTRAL PROVINCE PROVINCIAL COUNCIL

Draft of the Early Childhood Development Charter No..... of 2015 of the Provincial Council of the Central Province

I, Chief Minister and Minister of Finance and Planning, Law and Order, Local Government and Provincial Administration, Manpower, Education, Cultural Affairs, Tourism, Transport, Lands, Cooperative Development, Trade, Commerce, Food Supplies and Distributional Affairs and Investment Coordination of the Central Province, announce that the Draft of the Early Childhood Development Charter of the Central Provincial Council will be produced to the Provincial Council of the Central Province at the end of two weeks from the date of publishing of this Gazette. Any facts or amendments to the provisions of this Charter can be submitted to the Secretary, Chief and Education Ministry within this period.

SARATH EKANAYAKE,

Chief Minister and Minister in charge of Finance and Planning, Law and Order,
Local Government and Provincial Administration, Manpower, Education,
Cultural Affairs, Tourism, Transport, Lands, Cooperative Development,
Trade, Commerce, Food Supplies and Distributional Affairs and Investment
Coordination of the Central Province.

13th May 2015,
at the Chief Minister's Office,
Central Provincial Council.

EARLY CHILDHOOD DEVELOPMENT CHARTER No..... OF 2015 OF CENTRAL PROVINCIAL COUNCIL

A Charter to repeal the sub clause 12(2)(xiii) of Education Charter No. 03 of 1990 of the Central Province to and make provisions to establish an Early Childhood Development Unit ; to register, monitor, control and guide Early Childhood Care and Development Centres ; and for matters connected therewith or incidental thereto.

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



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| Short title and date of operation | <ol style="list-style-type: none"> 1. This Charter, to be known as Early Childhood Development Charter of Central Provincial Council, will take effect on the day it is approved by the Governor of the Central Province. 2. This Charter will rescind the sub clause 12(2)(xiii) of Education Charter No. 03 of 1990 and the provisions in this Charter will replace the above. |
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PART I

ESTABLISHING EARLY CHILDHOOD DEVELOPMENT UNIT

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| Early Childhood | 3. The period between a child's birth to the day he/she enters formal school education is considered the early childhood |
| Establishment of Early Childhood Development Unit of Central Province | 4. An Early Childhood Development Unit (hereafter referred to as 'Unit') will be established within the Central Province under the Central Provincial Chief Ministry to implement the objectives specifically stated in this Charter. |
| Appointment of a Director | 5. A person shall be appointed as the director (hereinafter referred to as 'Director'), who shall be the head of the unit, by the Provincial Governor on the recommendation of the Provincial Chief Minister. The Director should be an officer of an all-island service who is serving in the Central Provincial Council. |
| Responsibilities and control of Director | 6. (1) It is the responsibility of the Director to achieve the objectives of this Charter. He shall act under the supervision and control of the board of management. |
| Term of office of the Director | (2) The Director can retain the officer for a period of 03 years from the date of appointment unless his service is terminated due to death, resignation, removal from office or leaving of office. |
| Reappointing for the post of Director | (3) Unless removed from officer as stated in sub clause (2), a person can be eligible to be re-appointed to the post. |
| Director position becoming vacant | (4) If the position of the Director becomes vacant a new Director should be appointed and until the position is filled the Secretary of the Chief Ministry or an officer nominated by him can be appointed to carry out the duties of Director post. |
| Appointing staff for the Unit | <ol style="list-style-type: none"> 7. The staff needed to achieve the objectives of the Unit can be appointed from the Provincial Public Service. 8. Objectives of the Unit shall be as follows : |
| Objectives of the Unit. | <ol style="list-style-type: none"> (1) To improve the early childhood education in the Province. (2) To register, manage and supervise Early Childhood Development Centres (hereinafter referred to as 'Centres') (3) To create an environment that promotes the overall development of children in Early Childhood including physical and mental development. (4) To protect the rights of the children in Early Childhood and to provide proper protection. (5) To take other steps towards the development of Early Childhood |

9. The duties and authority of the Unit are as follows : -

Duties and authority
of the Unit

- (1) To register, monitor and regulate all institutes and organisations working towards Early Childhood Development
- (2) To provide guidance and aids for improving the Early Childhood Development activities.
- (3) To set forth the minimum qualifications for the instructors of Centres.
- (4) Training the instructors of Centres.
- (5) Carrying out training institutes to train and develop instructors of centres and issue certificates based on grading of professional qualifications.
- (6) To grade the institutions involved in Early Childhood Care and Development by evaluating their staff and the facilities available.
- (7) To formulate minimum standards for administration and management of institutions involved in Early Childhood Care and Development.
- (8) To educate the public on the importance of Early Childhood Development.
- (9) To temporarily halt or stop any Centres in the Central Province which do not conform to the provisions of this Charter.
- (10) To charge a fee for a service offered by that Unit.
- (11) To introduce books, documents and forms to be maintained by the Centres and to promote their usage.
- (12) To enter into agreements with external parties to implement activities relating to Early Childhood Care and Development.
- (13) To implement suitable programmes for special children, their parents and the community.
- (14) To enter the Centres and to inspect whether they are being run according to proper standards.
- (15) Other duties and authority that might be needed for the Early Childhood Development in the Central Province.

PART II

ESTABLISHING MANAGEMENT AND ADVISORY COMMITTEES

10. There shall be established a Management Committee and an Advisory Committee (hereafter referred to as Committees) to accomplish the tasks stated in this Charter.
11. There shall be appointed a committee by the Provincial Chief Secretary called Management Committee consisting of 11 members for managing and monitoring the tasks of the Unit.
12. The management committee shall consist of following members ;

Management and
Advisory
Committees

Management
Committee

Composition of the
Management
Committee

- (1) Secretary of the Provincial Chief Ministry ;
- (2) Secretary of the Provincial Ministry of Education ;
- (3) Provincial Director of Education ;
- (4) Provincial Commissioner of Local Government ;
- (5) Provincial Commissioner of probation and child care Services ;
- (6) Provincial Director of Health Services ;
- (7) Deputy Inspector General or his nominee ;
- (8) Director of plantation human development fund or a person nominated by him ;
- (9) Director of Early Childhood Development Unit ;
- (10) Two members from the field of Early Childhood Development nominated by the Chief Minister

Chairman and
Secretary of
Management
Committee

Duties and authority
of Management
Committee

13. The Secretary of the Chief Ministry shall be the Chairman of the management committee ex-officio, and the Director of the Unit shall be the Secretary of the management committee.
14. The management committee shall perform following duties and exercise following authorities.
 - (1) Preparation of policies pertaining to this Charter and presenting them to the Minister for approval.
 - (2) Providing instructions on making and implementing regulations and circulars required to implement the functions and policies mentioned in this Charter.
 - (3) Providing instructions and approval for the governmental and non-governmental parties engaged in early childhood development to operate within the province.
 - (4) Issuing instructions required by the unit to implement the provisions of the Charter.
 - (5) Providing other instructions and guidance required to manage and monitor the functions of the unit.

Decisions of
Management
Committee

15. The quorum for a management committee meeting is 5 and decisions should be made with the agreement of the majority participated at the meeting. When the agreements of the members are equal then the Chairman of the committee should be given a decisive vote.

Advisory
Committee

16. An advisory committee of 15 members should be appointed to provide instructions and guidance required to carry on the duties of the management committee.

Composition of the
Advisory
Committee

17. (1) Advisory committee shall include 12 ex-officio members and 3 non-members of the management committee appointed by the Chief Minister. The Chief Minister shall appoint the members of the advisory committee.
- (2) The ex-officio members of the advisory committee are as follows :

- i. Chief Secretary Central Province ;
- ii. Secretary of the Provincial Chief Ministry ;
- iii. Secretary of the Provincial Education Ministry ;
- iv. Secretary of the Provincial Health Ministry ;
- v. One of the District Secretaries of the Central Province ;
- vi. Deputy Chief Secretary (Finance) ;
- vii. Provincial Deputy Inspector General of Police ;
- viii. Provincial Education Director ;
- ix. Director of National Child Secretariat or his nominee ;
- x. A representative of the academic staff appointed by the vice-chancellor of the University of Peradeniya ;
- xi. Director of Plantation Human Development Trust or his nominee ;
- xii. Director in charge of primary education, Department of Education, Central Province.

(3) Members of the advisory committee appointed by the Chief Minister are as follows ;

- i. A representative with a sound knowledge on early childhood development ;
- ii. A representative engaged in early childhood development affairs in Central Province ;
- iii. A representative of a non-governmental or a foreign donor organisation actively involved in early childhood development affairs in Central Province.

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| 18. Provincial Chief Secretary shall be the Chairman and Secretary of the Chief Ministry shall be the Secretary of the Advisory Committee. | Chairman and Secretary of Advisory Committee |
| 19. Official term of the Advisory Committee is three (03) years. | Official term of the Advisory Committee |
| 20. The Advisory Committee shall prepare procedures related to the operation of Advisory Committee in accordance with the provisions of the Charter. | Operation of the Advisory Committee |
| 21. The role of the Advisory Committee is to provide advisory services to the Management Committee in order to achieve the aims and objectives of this Charter. | Role and functions of the Advisory Committee |
| 22. A nominated member of a committee should hold the membership for a period of three (03) years unless he dies, resigns, is removed from office or leave the office prematurely. | Membership period of a Committee |
| 23. A member who misses three consecutive meetings without a valid reason and without prior notice is considered to have left the membership, and a suitable successor should be appointed by the Chief Minister after being notified by the Secretary of the committee. | Loss of membership of Committees |

Removal from membership of a Committee	24. A nominated member of a committee can be removed from the membership at any time by a written notice of the Chief Minister.
Resignation from membership of a Committee	25. A nominated member of a committee can send a written notice to the Chief Minister stating his willingness to resign from membership, and the resignation will take effect once it is accepted by the Chief Minister.
Member positions becoming vacant	26. Where a member of the committee dies, resigns or is removed from office, the Chief Minister shall, having regard to the provisions of Section 12 and 17, appoint another member in his place, A member appointed such hold office for the unexpired part of the term of office of the member whom he succeeds.
Reappointing for membership	27. A member appointed once can be reappointed
Committee meetings	28. A committee should assemble at least once in three months.
Disqualifications for membership	29. A person becomes ineligible to be appointed to or continue as a member of a committee if ; <ol style="list-style-type: none"> (1) he is not, or ceases to be a citizen of Sri Lanka ; or (2) he is under any law in force in Sri Lanka or in any other country found or declared to be of unsound mind or bankrupt ; or (3) he is serving or has served as sentence of imprisonment imposed by any court in Sri Lanka or any other country ; or (4) the Chief Minister decides the person's financial or other interests are likely to affect prejudicially his discharge of duties as a member of the committee.
Nullifying of an action of the committee	30. Any action, decision or legal activity taken by a committee will not become void due to any vacancy of a committee or a shortcoming in appointing a member to a committee.
Payment of remuneration for members of a committee	31. The committee members may be paid remunerations stipulated by Chief Minister under the approval of the Governor.

PART III

EARLY CHILDHOOD CARE AND DEVELOPMENT FUND

Early Childhood Development Fund	32. (1) There shall be a fund for the Early Childhood Development Unit called Early Childhood Care and Development Fund. Following funds should be credited to the Early Childhood Care and Development Fund. <ol style="list-style-type: none"> (a) money provided for the Unit by the Provincial Council from time to time. (b) money received by Government and Non-Governmental Organisations. (c) Money collected or charged by the Unit from its activities. (d) Other aids and donations. (2) Money required for the activities of the Unit should be utilized as decided by the Board of Management.
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(3) An Annual Financial Statement shall be prepared for each financial year including income, expenditure and all other transactions.

33. The financial year for the unit shall be from January 1st to December 31st.

Financial year of the fund

34. The Auditor General shall audit the Provincial Unit each year.

Auditing of accounts of fund

PART IV

REGISTRATION OF CENTRES

35. Once this Charter is, in effect, any registration of any Centre within the Central Province that is conducted in whatever manner or under whatever organisation becomes null and void and such Centres should apply for registration under the Unit.

Registration of Centres

36. (1) One this Charter is, in effect any Centre within the Central Province should obtain Certificate of Registration from the Unit.

Registration of existing Centres

(2) The proprietor, manager or the administrator of each Centre situated within the province must apply to the Director for the registration of the Centre within three months from the date this Charter takes effect.

(3) When any proprietor, manager or the administrator who failed to apply under Sub clause (2) request with just and apparently fair reasons, the Director can register the Centre concerned charging a specific fee.

37. Any Centre commencing after the date this Charter takes effect must register by applying to the Director prior to the commencement.

Registration of new Centres

38. Any governmental, private or non-governmental organisation operating in the Province must register under the Unit for conducting courses or training programmes related to Early Childhood Care and Development.

Registration of training institutes

39. (1) The applicant shall pay the registration fee stipulated by the Director to register a Centre.

Requirements for registration and registration fees

(2) The expected conditions, registration fee and other provisions are to be stipulated by the Minister through regulations.

(3) The Unit has the authority to charge an additional fee/impose a fine for extending the period of registration and for being late to register.

40. (1) When an application has been forwarded for the registration of a Centre, the Director shall issue a certificate of registration if he is satisfied that the Centre has fulfilled the requirements for registrations. If he decides that the Centre has failed to fulfill the requirements, the application can be rejected with reasons indicated.

Issuing of certificate of resignation

(2) (a) When a Centre has not fulfilled the requirements for registration, a Temporary Certified of Registration can be issued with a condition that those requirements should be fulfilled within a period of three (03) years.

Issuing of temporary certificates of registration

(b) The director has the power to cancel the temporary certificate of registration if he finds that the requirements have not been fulfilled within the period of three (03) years.

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| Appeals regarding rejected applications | <p>41. (1) It is possible to appeal to the Secretary within 30 days from the date the notice is received on rejection of an application.</p> <p>(2) When such an appeal is received, the Secretary should forward it to the Management Committee. Then he should hand it over to the Chief Secretary with his observations together with the recommendations and observations of the Management Committee.</p> <p>(3) The Chief Secretary holds the power to take decisions on the appeals forwarded by the Secretary and the Chief Secretary's decision shall be considered final and conclusive.</p> |
| Operating an unregistered Centre | <p>42. Any person or group of persons operating an unregistered Centre violating the provisions of this Charter will be considered an offender under the Charter.</p> |
| Display of certificate of resignation | <p>43. (1) The unit shall issue a Certificate of Registration with a unique number to every Centre registered and this certificate should be displayed in the Centre.</p> <p>(2) The unit shall maintain a documents on the Centres registered under it.</p> <p>(3) A Certificate of Registration cannot be transferred to another party without the consent of the Unit. Such a transfer will be null and void.</p> <p>(4) Provision pertaining to proper transfer of a Certificate of Registration should be enforced by the Minister through regulations.</p> |
| Situations where certificate of registration can be cancelled | <p>44. The Director has the power to cancel a Certificate of Registration on the decision of the Management Committee under following circumstances.</p> <p>(1) Violation of one or several of the basic requirements for registration.</p> <p>(2) Failure to inform the Unit and get the registration information updated when the ownership change.</p> |

PART V

COMMON PROVISIONS

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| Regulations and orders | <p>45 (1) The minister shall, inquiring Management Committee, prepare regulations and orders pertaining to registration of Centres, set minimum standards for Centres and required to fulfill the functions of this Ordinance.</p> <p>(2) All such regulations/orders prepared by the Minister should be implemented from the date of its publishing it in the Gazette or from a date indicated in this order.</p> <p>(3) All such regulations/orders prepared by the Minister should be produced to the Provincial Council for approval immediately after the Gazette is published.</p> <p>(4) The announcement on date of repeal of a regulation/order should be published in Gazette.</p> <p>(5) The regulations and orders prepared under this Charter should come into power as imposed by this Charter.</p> |
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| 46. Officers and employees of the Unit shall be deemed to be public servants within the meaning and for the purposes of the Penal Code and the establishment code. | Officers and employees of shall be deemed to be public servants |
| 47. The unit 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. | Unit as a scheduled under Bribery Act. |
| 48. (1) Violation of a provision or a regulation or order imposed under such provisions of this Charter, or obstructing or resisting an officer in the exercise of any power conferred on him by this Charter is considered an offence. | Offences and punishments |
| (2) Any person who commits an offence mentioned in subsection (1) shall be guilty of an offence under this Charter and shall on conviction after summary trial by a Magistrate be liable to a fine not more than ten thousand rupees or to imprisonment of either description for a term not less than six months or to both such fine and imprisonment. | |

INTERPRETATION

In this Charter unless the context otherwise required.

“Province” means the Central Province.

“Governor” means Hon. Governor of the Central Province.

“Provincial Council” means the Central Provincial Council.

“Centres” means a person, board of people or an institute that develop skills of children in early childhood and Day Care Centres that take care of such children.

“Director” means the person who is duly appointed as the director according to this Charter and/or the person who is authorised to act on behalf of the above mentioned officer.

“Provincial Public Service” is as defined by Provincial Council Act, No. 42 of 1987.

“Managers” means the patrons, owners and entrepreneurs operating the centres.

“Special children” means children who are in the “early childhood” age group who should attend a “centre” but with special needs due to weak eyesight, weak hearing, physically handicapped or impaired brain development.

“Person running a Centre ” means any person, businessman, voluntary organisation or incorporated body running a Centre/Centres.

Words importing one gender shall include all other genders.

In the event of any inconsistency between the Sinhala and Tamil or English texts of this Charter, the Sinhala text shall prevail.