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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

CENTRAL PROVINCE PROVINCIAL COUNCIL

Early Childhood Development Charter No. 03 of 2015

I, hereby publish to the notice of all, the Early Childhood Development Charter No. 03 of 2015, adopted by the Central Provincial Council of the Socialist Republic of Sri Lanka on 17th November 2015, assented by Hon. Governor of the Central Province on 04th December 2015.

SARATH EKANAYAKE,
Chief Minister and Minister of Finance and Planning,
Law and Order, Local Government and Provincial
Administration, Manpower, Education, Cultural Affairs, Tourism,
Lands, Co-operative Development, Trade and Commerce,
Food Supplies and Distributional Affairs and
Investment Co-ordination of the Central Provincial Council.

Chief Minister's Office,
Central Provincial Council,
Kandy,
12th February 2016.

EARLY CHILDHOOD DEVELOPMENT CHARTER No. 3 OF 2015 OF CENTRAL PROVINCIAL COUNCIL

The Chief Minister and Ministry of Finance and Planning, Law and Order, Local Government and Provincial Administration, Human Resources, Education and Cultural Affairs, Tourism, Land, Co-operative Development, Trade and Commerce, Food Supplies and Distribution, Investment Coordination and Portfolios which are not taken under any other Ministries

EARLY CHILDHOOD DEVELOPMENT CHARTER No. 3 OF 2015 OF CENTRAL PROVINCIAL COUNCIL

A Charter to repeal the sub clause 12(2)(xii) of Section ii of Education Charter No. 03 of 1990 of the Central Provincial Council to and make provisions to establish an Early Childhood Development Unit; to register, monitor, govern and manage Early Childhood 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)(xii) of Education Charter No. 03 of 1990. |
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PART I

ESTABLISHMENT OF EARLY CHILDHOOD DEVELOPMENT UNIT

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| Early Childhood | <ol style="list-style-type: none"> 3. The term ‘Early Childhood’ of a child refers to the period between conceiving of a child to five years of age. But for the provisions of this charter, the period between a child’s birth to the day he/she enters formal school education is considered as the early childhood. |
| Establishment of Early Childhood Development Unit of Central Province | <ol style="list-style-type: none"> 4. An Early Childhood Development Unit (hereafter referred to as ‘Unit’) will be established within the Central Province under the Chief Ministry to implement the objectives specifically stated in this Charter. |
| Appointment of a Director for the Unit | <ol style="list-style-type: none"> 5. A person shall be appointed by the Provincial Governor on the recommendation of the Provincial Chief Minister as the director (hereinafter referred to as ‘Director’) who shall be the head of the Unit. The Director should be an officer of an all-island service who is serving in the Central Provincial Council. |
| Responsibilities and governance of Director | <ol style="list-style-type: none"> 6. (1) (a) It is the responsibility of the Director to achieve the objectives of this Charter. He shall act under the supervision and governance of the board of management.

(b) The Secretary of the Chief Ministry shall be the immediate supervising officer of the Director. |
| Term of office of the Director | <ol style="list-style-type: none"> (2) The Director can retain the office 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. |
| Being reappoint for the post of Director | <ol style="list-style-type: none"> (3) Unless removed from office as stated in sub clause (2), a person can be eligible to be re-appointed to the post. |
| Director position becoming vacant | <ol style="list-style-type: none"> (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 of an all-island service nominated by him can be appointed to carry out the duties of the Director for the remaining period of the said position. |
| Appointing staff for the Unit | <ol style="list-style-type: none"> 7. The staff needed for the purpose of implementing the objectives of the Unit can be appointed from the Provincial Public Service. |
| Objectives of the Unit | <ol style="list-style-type: none"> 8. Objectives of the Unit shall be as follows: <ol style="list-style-type: none"> (1) To improve the early childhood development and education in the Province. (2) To register, manage and monitor 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 ensure the rights of the children in Early Childhood and to provide them 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 within the Central Province, working towards Early Childhood Development.

(2) To provide guidance and aid for improving the Early Childhood Development activities.

(3) To set forth the minimum qualifications for the instructors of Centres.

(4) To train the Instructors of Centres.

(5) Carrying out training institutes to train and develop instructors of Centres and issue certificates after grading according to professional qualifications.

(6) To grade the institutions involved in Early Childhood Development by evaluating their staff and the facilities available.

(7) To set forth minimum standards for administration and management of Centres in par with national standards.

(8) To educate the community on the importance of Early Childhood Development.

(9) To temporarily suspend or halt the operation of any Centre in the Central Province which does not conform to the provisions of this Charter.

(10) To charge fees for any particular service offered by the Unit.

(11) To introduce books, documents and forms to be maintained by the Centres and to promote their usage.

(12) To coordinate with external parties for performing duties relating to Early Childhood Development.

(13) To implement suitable programmes for children with special needs, their parents and the community.

(14) To enter the Centres and to inspect whether they are operated in accordance with proper standards.

(15) Establishment, monitoring and management of Centres and matters incidental to, by levels of Provincial Early Childhood Development Forum, District Forums and Divisional forums.

(16) Other duties and authority that might be needed for the Early Childhood Development in the Central Province.

PART II

APPOINTMENT OF MANAGEMENT AND ADVISORY COMMITTEES

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| Management and Advisory Committees | 10. There shall be established a Management Committee and an Advisory Committee (hereafter referred to as 'Committees') to carry out the tasks stated in this Charter. |
| Management Committee | 11. There shall be appointed a committee by the Provincial Chief Secretary called Management Committee consisting of 13 members for managing and monitoring the tasks of the Unit. |
| Composition of the Management Committee | <p>12. The management committee shall consist of following members:</p> <ol style="list-style-type: none"> (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 Director of Health Services ; (6) Provincial Commissioner of probation and child care services; (7) Provincial Director of Social Services ; (8) Director of national Children's Secretariat or a person nominated by him; (9) Deputy Inspector General or a person nominated by him; (10) Director of Plantation Human Development Trust or a person nominated by him; (11) Director of Early Childhood Development Unit ; (12) Two members from the subject area nominated by the Chief Minister; |
| Chairman and Secretary 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. When the Secretary of the Chief Ministry is absent, another member can be appointed as the Chairman only for the purpose of conducting that particular meeting. |
| Duties and authority of Management Committee | <p>14. The management committee shall perform following duties and exercise following authorities:</p> <ol style="list-style-type: none"> (1) Preparation of policies necessary to carry out duties pertaining to this Charter and presenting them to the Provincial Council through the Chief Minister. (2) Providing instructions on making and implementing regulations and circulars required to carry out the duties and implement the policies mentioned in this Charter. (3) Providing instructions and approval for governmental and non-governmental parties engaged in early childhood development to operate within the province. (4) Issuing instructions for the Unit to implement the provisions of this Charter. |

- (5) Providing other instructions and guidance required to manage and monitor the functions of the Unit.
15. (1) The quorum for a management committee meeting is 7 and decisions should be made with the agreement of the majority of the participants of the meeting. The Chairman of the committee should be given a decisive vote when the votes are tantamount. Decisions of Management Committee
- (2) When the Chief Ministry and Ministry of Education come under one ministry, the Secretary to the Ministry will have two votes.
16. An advisory committee of 19 members should be appointed to provide instructions and guidance for the management committee to carry out its duties. Advisory Committee
17. (1) Advisory committee shall include 15 ex-officio members and 4 members appointed by the Chief Minister who are not members of the management committee. The Chief Minister shall appoint the members of the advisory committee. Composition of the Advisory Committee
- (2) The ex-officio members of the advisory committee are as follows.
- i. Chief Secretary of the 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 Director of Education ;
 - ix. Director of National Child Secretariat or a person nominated by him;
 - x. A representative of the academic staff nominated by the Vice Chancellor of the University of Peradeniya;
 - xi. Director of Plantation Human Development Trust or a person nominated by him ;
 - xii. Director in charge of primary education, Department of Education, Central Province.
 - xiii. The three Chairmen of Early Childhood Development District Forums of the three districts of the Central Province.
- (3) Members of the advisory committee appointed by the Chief Minister should be 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. Two representatives of non-governmental organisations actively involved in early childhood development affairs in Central Province or foreign donor organisations.

Chairman and Secretary of Advisory Committee	18. Provincial Chief Secretary shall be the Chairman and Secretary of the Chief Ministry shall be the Secretary of the Advisory Committee.
Official term of the Advisory Committee	19. Official term of the Advisory Committee is three (03) years
Operation of the Advisory Committee	20. The Advisory Committee shall prepare procedures related to the operation of the Advisory Committee in accordance with the provisions of the Charter.
Role and functions 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.
Membership period of Committees	22. A nominated member of a committee can hold the membership for a period of three (03) years unless he die, resign, is removed from office or leave the office prematurely.
Loss of membership of Committees	23. A member who misses three consecutive meetings without a acceptable 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.
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. When a member position of a committee becomes vacant due to a member's death, resignation or removal from office, the Chief Minister shall, in accordance with provisions of section 12 and 17, appoint another member in his place. A member appointed such shall 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 shall 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; <ul 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 a sentence of imprisonment imposed by any court in Sri Lanka or any other country or fined to a value of Rs.1500.00 or above; or (4) the Chief Minister decides the person's financial or other interests are likely to affect prejudicially to his discharge of duties as a member of the committee; or (5) Has committed an offence under this Charter.

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| 30. Any action, decision or legal activity taken by a committee will not become null and void due to any vacancy of a committee or a shortcoming in appointment of a committee member. | Nullifying of an action of a committee |
| 31. The committee members may be paid remunerations stipulated by Chief Minister under the approval of the Governor. | Payment of remuneration for members of a committee |

PART III

FINANCE AND ACCOUNTING OF EARLY CHILDHOOD DEVELOPMENT UNIT

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| 32. (1) There shall be a financial account (hereinafter referred to as 'Account') for the Early Childhood Development Unit in accordance with the orders of the Provincial Treasury. Following funds should be credited to the Account: | Early Childhood Development Account |
| (a) Funds provided for the Unit by the Provincial Council from time to time. | |
| (b) Funds received from the Governmental 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 utilised as decided by the Board of Management. | |
| (3) An Annual Financial Statement shall be prepared for each financial year including income, expenditure and all other transactions. The subject Minister should present the financial accounts for the previous year before 31st of March of each year. | |
| 33. The financial year for the Account shall be from 1st of January to 31st of December. | Financial year of the Account |
| 34. The Auditor General shall audit the Provincial Unit each year. | Auditing of accounts |

PART IV

Registration of Centres

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| 35. From the day this Charter is in effect and thereafter, no Centre should be operated within the Central Province without registering under the Unit. | Registration of Centres |
| 36. (1) Once this Charter is in effect, all Centres within the Central Province should obtain Registration from the Unit. | Registration of existing Centres |
| (2) The proprietor, manager or the administrator of each Centre 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) requests with just and apparently fair reasons, the Director can register the Centre concerned charging a specific fee. | |
| (4) A Centre applying under (2) or (3) sub clauses may be given a temporary registration and a three year grace period to fulfil the standards if it is found to be lacking human, physical or other accepted standards required by a Centre. | |

Registration of new Centres	37. Any Centre commencing after the date this Charter takes effect must register by applying to the Director prior to the commencement.
Qualifications and charges for registration or extending registration of Centres	38. (1) The qualifications, charges and other provisions required to register or extend the registration of Centres are to be stipulated by the Minister through regulations. (2) The applicant shall pay a fee stipulated by the Director to register or extend the registration of Centre. (3) The Director has the authority to charge an additional fee/impose a fine for extending the period of registration and for being late to register.
Issuing of certificate of registration	39. 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 registration. If he decides that the Centre has failed to fulfil the requirements, the application can be rejected with reasons indicated.
Issuing of temporary certificate of registration	40. (1) When a Centre has not fulfilled the requirements for registration, a Temporary Certificate of Registration can be issued with the condition that those requirements should be fulfilled within a period of three (03) years. (2) 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.
Appeals regarding rejected applications	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 under clause 39. (2) When such an appeal is received, the Secretary should forward it to the Management Committee and obtain the recommendations and observations of the Committee. Then the he should hand it over to the Chief Secretary together with his observations before three (3) months have elapsed. (3) The Chief Secretary holds the power to take decisions on the appeals forwarded by the Secretary and the Chief Secretary's decision will be final and conclusive.
Renewing annual registration	42. (1) A certificate of Registration issued under clause 39 is valid for a period of one year. Application for extending the registration should be forwarded to the Director three months before the registration expires. (2) The Director can reject the extension of registration if he finds a Centre is not conducted according to relevant standards and other requirements. (3) It is possible to appeal to the Secretary within 30 days from the date the notice is received on rejection of extension of registration. The Secretary's decision will be final and conclusive. (4) Any Centre that is operated without extending the registration is considered as a Centre that has not been registered under this Charter.
Operating an unregistered Centre	43. Any person or board of people operating an unregistered Centre violating the provisions of this Charter will be considered to have committed an offence under this Charter.
Display of certificate of registration	44. (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.

- (2) The Unit shall maintain a document on the Centres registered under it.
- (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.
- (4) Provisions pertaining to proper transfer of a Certificate of Registration should be enforced by the Minister through regulations.
45. The Director has the power to cancel a Certificate of Registration on the decision of the Management Committee under following circumstances.
- Circumstances where certificate of registration may be cancelled
- (1) Violation of one or several of the basic requirements for registration.
- (2) Failure to inform the Unit and get the registration information updated when the ownership of a Centre changes.
46. 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 Development.
- Registration of training institutes

PART V

COMMON PROVISIONS

47. (1) The minister can, inquiring Management Committee, prepare regulations and orders pertaining to registration of Centres, minimum standards for Centres and other matters required to fulfil the functions of this Ordinance.
- Registration and orders
- (2) All such regulations/orders prepared by the Minister should be implemented from the date of its published in the *Gazette* or from a date specifically indicated in the order.
- (3) All such regulations/orders prepared by the Minister should be presented to the Provincial Council for approval within a month from the date it is published in the *Gazette*. Any regulations/orders which is not approved by the Provincial Council shall be considered repealed with no effect to any action taken under the same regulations/orders prior to the date it is rejected. The announcement on date of repeal of a regulations/orders should be published in *Gazette*.
- (4) The regulations and orders prepared under this Charter should come into power as imposed by this Charter once they are approved by the Provincial Council.
48. 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 shall deemed to be public servants
49. 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 institution under Bribery Act
50. (1) Violation of a provision or a regulation or order imposed under such provision 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.
- Offenses and punishments

- (2) Any person who commits an offence mentioned in subsection (1) shall be guilty of an offence under this Charter and, on conviction after a summary trial by a Magistrate, be liable to a fine not more than ten thousand rupees or an imprisonment 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

“Chief Minister” means Hon. Chief Minister of the Central Province

“Chief Secretary” means Chief Secretary of the Central Province.

“Provincial Council” means the Central Provincial Council.

“Centres” persons, board of people or institutes 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

“Instructors” mean the people involved in skills development in a Centre or Child Development Officers working in Centres in plantations.

“Managers” mean the entrepreneurs owners and administration who are operating Centres.

“Special children” mean children who are in the ‘early childhood’ age group who should attend a Centre but with special needs due to impaired eyesight, impaired hearing, being physically handicapped or impaired brain development.

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

“Effective Date” means the date this Charter is approved by the Governor.

“Early Childhood Development Divisional Forums” mean forums established by the instructors engaged in skills development in Centres of Divisional Secretariats.

“Early Childhood Development District Forums” mean forums established at district levels comprising Chairmen, Secretaries and Treasurers of Early Childhood Development Divisional Forums.

“Early Childhood Development Provincial Forums” mean forums comprising Chairmen, Secretaries and Treasurers of Early Childhood Development District Forums.

Words importing one gender shall include the other gender too.

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