

**EDUCATION STATUTE**

**PROVINCIAL COUNCIL  
WESTERN PROVINCE**

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## EDUCATION STATUTE NO. 5 OF 1990 OF THE WESTERN PROVINCE

A Statute to make better provision for Education and Educational facilities within the Western Province, and for matters connected therewith or incidental thereto. This Statute is inconsistent with the Education Ordinance (Chapter 185).

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

Short Title and date of operation.

1. This statute may be cited as the Education Statute No:5 of 1990 of the Provincial Council of the Western Province of Sri Lanka, and shall come into operation on the date of the Governor's Assent.

### PART I

#### Provincial Education Department.

Provincial Department of Education.

2. (1) For the purposes of the Statute, there shall be established a Department of Education consisting of the Provincial Director of Education (hereinafter referred to as "Director of Education") and such other officers and servants as may be appointed from time to time.  
(2) Subject to the general or special directions of the Minister, the Secretary to the Minister shall be in-charge of the Administration of this Statute.

Appointment of officers, powers and duties of the officers.

3. (1) For the purposes of this statute there may be appointed persons to be or to act as Additional Director of Education, Deputy Director of Education and Assistant Director of Education.  
(2) Subject to the general direction and control of the Minister, the Secretary, the Director and other officers shall execute, and shall have power to enforce the provisions of this statute and of the regulations made thereunder.  
(3) It shall be lawful for the Minister on appeal or otherwise to rescind or later revise any order or determination which is made by the Director of Education in the exercise of his discretion under any of the provisions of this Statute or of any regulation made thereunder. The decision of the Minister in every such case shall be final and shall be binding on the Director and all the other persons affected thereby.

### PART II

#### Fees and School Boards.

Prohibition of fees for admission to or education in Government and Assisted Schools and charging of Facilities Fees.

4. (1) No fee shall be charged in respect of admission to or for education provided in a Government School or an assisted school within the Western Province.  
(2) Notwithstanding anything to the contrary in any other law, fee or fees may be charged from pupils in any Government school or in an Assisted School within the Western Province, to be known as "the Facilities and Services Fees" in order to defray the expenses incurred in providing therein facilities for games or physical training or services for educational, recreational or health purposes.  
(3) The amount of such fees charged in any school shall not exceed such amount as the Minister may fix having regard to the services and facilities provided.

**Principal not to penalize pupils for non payment of facilities fee.**

- (4) The Principal of every school where such fees are charged shall take steps to prevent pupils from being penalized in the matter of admission of attendance by reason of their inability to pay facilities and services fee

**School Boards.**

5. There shall be established a School Board for each School within the Western province to advise and to assist the Principal or Head of the School in the execution of matters for the progress and development of the school.

Provided, however, that the functions of the School Board shall not include administrative matters or extend to activities that would tend to disturb the internal administration of the school or to undermine the authority of the Principal or the Head of the school or the position of any member of the staff.

**Membership of the School Boards .**

6. (1) Membership of the School Board shall comprise the following :-
- (i) two representatives of parents or guardians of the pupils of the schools; (Where the number of pupils exceed 500 one additional representative for each 500 in excess.)
  - (ii) At least two members of the tutorial staff of the school, representing sections
  - (iii) two representatives of the Past Pupils Association
  - (iv) two recognised persons who are generally interested in the welfare of the schools, nominated by the Director.
  - (v) The Principal shall be the ex-officio Chairman of the School Board.
  - (vi) The School Board shall have a patron who shall be a religious dignitary belonging to the denomination of the majority of the pupils in the school.

**Functions & responsibilities of the Board.**

7. (1) The main functions and responsibilities of the School Board shall be:-
- (i) to ensure that the members are well informed of the State and Provincial education policy.
  - (ii) to assist in the maintenance of the school buildings, premises, school gardens, playground and equipment;
  - (iii) to consider the needs of the school and advise on the allocation of resources;
  - (iv) to assist in the provision of the school mid-day meal to children;
  - (v) to ensure punctuality and regular attendance of pupils;
  - (vi) to mobilise external resources of the school and to obtain maximum utilization of these resources;
  - (vii) to assist in the establishment and maintenance of technical, vocational and service oriented training centers for school leavers.

**Funds of the Board and accounting procedure.**

8. (1) The Board may receive contributions from well-wishers for specific projects or for general purposes. The Board shall undertake with the approval of the Director to utilise such funds for the purpose of which they are intended, and keep accounts of all receipts and expenditure, which shall be open to inspection by officers of the Department. Such accounts shall be checked and certified at every annual inspection.
- (2) (i) The School Board shall hold a meeting at least once in every two months.
- (ii) A meeting of the School Board may be held at the request of any three members of the Board.
  - (iii) The Minutes of the proceedings of the Board shall be kept in a book provided for the purpose.

- Dissolution of the Board.** 9. The Minister shall have the right to dissolve any School Board if he is satisfied that any such Board is not functioning effectively or for the welfare and progress of the school and/or not in the national interest and instruct the Director to take steps to reconstitute the Board or establish a new one.

### PART III

#### Religion in Schools and Managers

**Religion etc. not to debar admission.** 10. (1) No applicant shall be refused admission into any school, on account of the religion, nationality, race caste, social status or language of such applicant or of either of his parents.

**Religious instruction.** (2) (i) Subject as hereinafter provided, instruction in the religion of the parent of each pupil in a Government school shall be given to that pupil, as a part of his course of studies in the school, by a person who is an adherent of that religion and who has been approved by the Director.

Provided, however that:-

- (a) instruction in a particular religion need not be given in a Government School where there are not more than fifteen pupils whose parents are of that religion, and
  - (b) attendance of a pupil at any instruction, in or any place of worship or observance connected with, the religion of his parent shall not be required or permitted if the parent has voluntarily made a written request to the Principal of the school to exempt the pupil from such attendance.
- (ii) The Principal or any person in-charge of a Government school or an assisted school shall not require or permit a pupil of the school to attend in the school or in any hostel of the school or in any chapel or place of worship situated within the premises of the school any instruction in, or any worship or observance connected with, a religion which is not the religion of the parent of the pupil
- (iii) The time for any instruction in, or for any worship or observance connected with any religion at a meeting of any Government school or an assisted school shall be at the beginning or at the end or at the beginning and the end of such meeting, and shall be specified in a time table approved by the Director and kept permanently and conspicuously affixed in every classroom of the school.

For the purpose of this section:-

- (iv) (a) the definition of 'parent,' in section 36 shall not apply, and
- (b) the religion of the parent of a pupil shall be determined in accordance with the following provisions:-
  - (i) where the father of the pupil, being of sound mind, makes a declaration of his religion, that religion shall be deemed to be the religion of the parent of the pupil;
  - (ii) where, in the absence of the declaration referred to in the preceding paragraph (i) the mother of the pupil, being of sound mind, makes a declaration of her religion, that religion shall be deemed to be the religion of the parent of the pupil;
  - (iii) in any case other than that referred to in any of the preceding paragraph (i) and (ii), the religion which any person having legal custody of the pupil declares to be the pupil's religion shall be deemed to be the religion of the parent of the pupil.

- (v) In the case of any school in receipt of financial assistance from Provincial funds, the Director, may for the breach of any of the provisions of this section, withhold or refuse to pay any such grant from the provincial funds as may be payable to the Manager of the school or remove the school from the list of registered schools. In the case of any other school registered as an unaided or approved or recognised school such registration or recognition or approval may be withdrawn for violation of the provision of this section.

Managers of assisted schools.

- (3) (i) Director may appoint as the Manager of any assisted school within the Western Province or any school registered as an unaided school (or approved as a recognised school) within the Western Province any person recommended in writing by the proprietor of the school.
- (ii) The Director may, refuse to appoint as the Manager of that school the person recommended by the proprietor due to reasons specified by him in writing and communicated to the proprietor; and may require the proprietor to recommend some other persons instead as the manager.
- (iii) In the event of the proprietor of an assisted school refusing or neglecting or being unable to recommend for appointment as Manager of that school a person who appears to the Director to be suitable, it shall be lawful for the Director in his discretion to appoint a suitable person as a manager.
- (iv) The Director may suspend or remove from office the manager of an assisted school (hereinafter referred to as the Manager) either of his own accord or upon a written request being made on that behalf by the proprietor of the school.
- (v) Where the proprietor of any assisted school makes a written request to the Director to suspend or remove from office the Manager of the school, the Director may refuse to do so for reasons stated by him in writing and communicated to the proprietor.
- (vi) A person suspended or removed from the office of Manager by the Director of his own accord shall be entitled to appeal to the Minister against such suspension or removal. The decision of the Minister on any appeal under this sub-section shall be final and conclusive.
- (vii) The proprietor of an assisted school shall be entitled to appeal to the Minister against the decision of the Director refusing to appoint as Manager the person recommended by the proprietor, or appointing as Manager a person other than the person recommended by the proprietor or suspending or removing from the office of manager any person appointed on the recommendation of the proprietor, or refusing to suspend or remove the manager from office requested by such proprietor. The decision of the Minister on any appeal under this subsection shall be final and conclusive.
- (viii) Every appointment, retirement or removal of the Manager of any school shall be notified by the Director in the Gazette.
- (ix) No teacher of an assisted school and no person who derives any profit or emolument from an assisted school shall be appointed as a Manager of that school.
- (x) Every person who:-
  - (a) after he is suspended or removed from office as a manager by the Director, refuses to vacate his office or resists or obstructs any other persons lawfully appointed to be or to act as the Manager from entering upon or executing the duties of the Manager;
  - (b) acts as manager in contravention of the provisions of sub section (9)shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees in respect of each day during which the offence is continued.

## PART IV

### Provincial Board of Education

#### Establishment.

11. (1) There shall be established a Provincial Board of Education for the Western Province consisting of the Provincial Director of Education, and not less than five and not more than seven members appointed by the Minister with the concurrence of the Chief Minister of the Province.
- (2) The Minister shall nominate one of the members of the Board of Education to be its Chairman. An Officer of the Ministry of Education designated on that behalf by the Minister, shall act as the Secretary to the Board. The Chairman of the Board may work as a full time member. In consultation with Director General of National Institute of Education Minister may appoint one member to advice and help him in re-training activities.

#### Functions of the Board.

12. (1) The functions of the Board shall be to advise the Minister on all such matters relating to provision of education and educational facilities as may be referred by the Minister to the Board for such advice or in respect of which the Board may think fit to tender advice.
- (2) The Board of Education, on receipt of a request from the Minister, keeping in view the general education policy of the State and taking into consideration the aims, objectives and specific priority areas as indicated in such request shall prepare a three year Educational Development Programme for the Province, fixing targets where necessary for
  - (i) the provision of buildings, playgrounds, laboratories, workshops, hostels, teacher's quarters and such other physical plant.
  - (ii) the supply of furniture, equipment, library facilities, sports materials and other facilities.
- (3) The provincial Board of Education shall submit proposals and make recommendations relating to
  - (i) The establishment of new schools;
  - (ii) discontinuance, reorganisation, upgrading and naming and re-naming of schools;
  - (iii) opening of new classes, centres for vocational and technical training, non-formal education and teaching of foreign languages and re-training of officers and teachers.
- (4) The Minister, after making any modifications or alterations considered necessary and appropriate in such programme may, grant approval for its implementation.

Provided, no such plan shall be approved by the Minister, which, in his opinion, may act against or prejudicial to any religious or racial group.
- (5) The Board shall review periodically the progress made in the implementation of the Education Development Programme and recommend to the Minister ways and means to overcome any shortfall or difficulties in reaching the targets fixed.
- (6) The Provincial Board of Education may receive contributions from well wishers for specific projects or for general purposes. The Board shall undertake with the approval of the Minister of Education to utilise such funds for the purpose of which they are intended, and keep accounts of all receipts and expenditure, which shall be open to inspection by officers of the Department. Such accounts shall be checked and certified at every annual inspection.

#### Tenure of office resignation and vacation of seat.

13. (1) Any member of the Board other than the provincial Director of Education at any time may be removed from office by the Minister.

- (2) Any member of the Board other than the provincial Director of Education who is found on the thirty-first day of December of any year to have failed to attend at least one half of the number of meetings held by the Board in the period of twelve months immediately preceding that date or in that part of such period during which he held the office of member, shall unless he was absent from any such meetings on the ground of ill health or with the leave of the Board first obtained, be deemed to have vacated his seat on the Board.
- (3) Every member of the Board other than the provincial Director of Education shall, unless he earlier resigns or vacates his seat or is removed from office by the Minister, hold office for a term of three years from the date of his appointment or for such other term as may have been specified by the Minister at the time of the appointment.
- (4) The Minister may from time to time appoint any suitable person
  - (i) to act as a member of the Board in place of any member who is incapacitated by ill health from attending meetings of the Board or who is granted leave of absence by the Board; or
  - (ii) to be a member of the Board in place of any member who resigns or vacates his seat or is removed from office by the Minister.

**Quorum and procedure of meetings.**

14. (1) The quorum for any meeting of the Board shall be three members.
- (2) The Chairman shall preside at all meetings of the Board. In the event of his absence from any such meeting, the members of the Board present at such meeting, shall elect one of their members to preside at such meeting.
- (3) If the Chairman of the Board by reason of illness, other infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office, the Minister may appoint any other member of the Board to act in his place.

**Remuneration.**

15. (1) Chairman and members of the Board shall be remunerated in such manner and at such rates as may be determined by the Minister with the concurrence of the Minister in charge of the subject of finance of the Provincial Council.

## **PART V**

### **Pre-Schools**

**Pre-Schools and their aims and objectives.**

16. (1) Pre-Schools may be established for the education and training of children below the age of five years.
- (2) The general aims and main objectives of Pre-Schools shall be:-
  - (i) to provide effective ways for the needs of children of this age group, to promote their potential which they display at this stage and to inculcate habits for their moral and social development.
  - (ii) to provide a sound basis for their future education.
  - (iii) to identify children with special or predominant social, psychological or sensory defects or mental and physical handicaps that may, if neglected, inhibit their future educational programmes.
  - (iv) to advise and assist parents of children with any defects or handicaps as referred to in paragraph (iii) to take necessary and appropriate remedial action.
  - (v) to stimulate and assist public support particularly for children from disadvantaged areas to overcome their problems of health and nutritional deficiencies.



- Ministry to encourage pre-schools education.** 17. The Ministry shall promote and encourage Local Authorities or Recognized Bodies and Voluntary Agencies to establish Pre-Schools subject to provisions of this statute and such other regulations made by the Minister from time to time.
- Pre-School to be conducted as a separate Unit.** 18. A Pre-School shall not be maintained or conducted or administered together with any school imparting instruction at other stages of education.
- Provided, however, that any pre-school heretofore attached to any school imparting primary education or secondary education prior to the coming into operation of these provisions may continue to be maintained on the same premises with the approval of the Director if it is organised and administered as a separate unit under a separate Head-Teacher.
- Register of pre-schools .** 19. The Director shall maintain a Register of all registered pre-schools in the Province with names and addresses of their Managers and Proprietors and shall have the power to call for any particulars as he may consider necessary from any pre-school whether registered or not.
- Inspection and Registration of Pre-Schools.** 20. (1) After the appointed date, it shall not be lawful for any Local Authority or Recognised Body or a Voluntary Agency or a group or an individual to start any Pre-School unless the prior approval of the Director is obtained under this Statute or Regulations made thereunder.
- (2) Pre-Schools already in existence shall be registered within such time as may be prescribed by the Minister.
- (3) (i) The Proprietor or Manager of every Pre-School shall apply to the Director for registration before the expiry of the date fixed for the purpose by notice in the Gazette. In the case of a proposal to establish a pre-school, the intention to do so shall be notified to the Director thirty days before opening of such pre-school.
- (ii) The application shall state.
- (a) the address or place where the pre-school is to be held;
  - (b) the floor area of the school rooms;
  - (c) the expected number of pupils;
  - (d) the names and qualifications of each of the teachers and salary scale proposed for each such teachers;
  - (e) the proposed date of opening of the pre-school;
  - (f) the medium or media of instruction in which the school is to be conducted;
  - (g) the name and address of the Manager or the Proprietor of the pre-school;
  - (h) any other information that the Director may deem necessary.
- (4) (i) The Director, or any other officer authorised by him shall have the right to enter and to inspect any pre-school at all reasonable times.
- (ii) The Director may provisionally register the application and make arrangement for an inspection of the pre-school when it is opened.
- (iii) If, after inspection, it is found that there are deficiencies or shortcomings in accommodation, sanitary facilities, staff or equipment, the Director shall notify the Proprietor or the Manager directing him to remedy such deficiencies or shortcomings within reasonable time as may be specified by written notice.
- (iv) If, after a second inspection, it is found that the pre-school is properly equipped and maintained and other requirements satisfactorily complied with, the registration of the pre-school shall be confirmed and the Proprietor or Manager accordingly notified.

**Proprietor or Manager to pay the cost of second inspection.** 21. Where a Proprietor or Manager of the pre-school has been notified of any shortcomings or deficiencies in the pre-school maintained by him, he shall be charged such fees as may be prescribed for a second inspection and upon the fees being duly paid, the inspection shall be conducted and a report made thereon.

**Cancellation of provisional registration.** 22. Where a pre-school, in the opinion of the Director, does not at the second inspection conform to the prescribed standards, the Director, shall order the cancellation of the provisional registration of such pre-school.

## **PART VI**

### **General**

**Duty of persons opening New schools to report to Director.** 23. (1) It shall be the duty of any person who intends to open a school within the Western Province or to give instruction in the Sinhala, Tamil or any other language in any school room or any building within the Western Province not previously used by him for the purpose of conducting any class or classes attended by children of school going age, at least two months before the opening of such proposed school or the commencing of such proposed instructions, to give written notice of his intention and to report particulars of such school or instructions to the Director, and thereafter supply such information as may be required by the Director with regard to his school or his class or classes, and the course of instructions he is giving or proposes to give;

Provided that the Director may give such direction or accept any notice given at any time, within the aforesaid period of two months or waive the requirements of this section as to the notice in the special circumstances of any case.

(2) The Director may in his discretion refuse to approve of any school or course of instructions in respect of which notice is given under sub-section (i).

(3) Any person who opens any school or gives any course of instruction as referred to in the provisions of sub-section (1) without the approval of the Director shall be guilty of an offence under the provisions of this Statute and shall be liable to a fine not exceeding Five Hundred rupees in respect of each day during which the offence is continued.

**Notification of particulars relating to unaided schools.** 24. (1) No person shall maintain any unaided school within the Western Province unless the Principal or any person for the time being in charge of the school has notified to the Director in writing, all such particulars relating to the school, as the Director may, by notice published in the Gazette, require to be furnished to him in respect of unaided schools.

(2) Where any school is maintained in contravention of sub-section (1) the proprietor, and the principal or any other person for the time being in control of the school shall be guilty of an offence and be liable to a fine not exceeding five hundred rupees and in the case of continuing offence to a further fine not exceeding five hundred rupees for each day on which the offence is continued.

**Closure of Unaided schools.** 25. (1) It shall be lawful for the Director and any officer of the Department generally authorised by the Director to enter and inspect any school within the Western Province and inspect and examine the pupils therein and all the registers of admissions and attendance of any such school and the Principal and officials of such school shall extend full co-operation and assistance to such Director or officer in carrying out the inspection and, or examination.

- (2) Where after an unaided school has been inspected under this section, and the Director is satisfied, that the school is open to the complaint:-
- (i) that having regard to the numbers, ages and sex of the pupils attending the school, the accommodation provided at the school is inadequate or unsuitable, or
  - (ii) that the sanitary arrangements at the school are inadequate, or
  - (iii) that, having regard to the ages and sex of the pupils attending the school efficient and suitable instruction is not provided at the school, or
  - (iv) that, the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of a school or to be a teacher in a school, as the case may be, or
  - (v) that, the education and training at the school does not accord effectively with the national interest or with the general educational policy of the government or the Provincial Council of the the Western Province including the policy regarding the medium of instruction in schools, the Director may cause to be served upon the proprietor of the school and order -
    - (a) stating full particulars of the matters complained of and measures necessary to remedy such matters
    - (b) specifying the time, not being less than six months after the service of the order, within which such measures are to be taken, and
    - (c) directing that, in the event of such measure not being taken within such time, the school shall be discontinued forthwith after the expiry of such time.
- (3) Every order served under this section shall also specify the time, not being less than one month after the service of the order, within which an appeal against the order may be preferred as hereinafter provided.

**Appeal against order under Section.**

26. The Proprietor of an unaided school on whom an order is served under subsection (2) section 25 may within the time allowed on that behalf by the order, prefer a written appeal against the order to the Tribunal of Appeal constituted under section 27. Every appeal shall state the substance of the order against which the appeal is preferred and the grounds of appeal, and shall be addressed to the "Chairman, Tribunal of appeal", and transmitted to the office of the Director so as to reach the Director within the aforesaid time.

**Tribunal of appeal.**

27. (1) For the purpose of constituting tribunals of appeal for hearing and determining appeals under section 26 there shall be established, a panel of five persons appointed by the Governor.
- (2) A person who is directly or indirectly engaged in the management of any school or who has no legal or educational experience shall not be eligible for appointment to the panel under sub-section (1). Every person appointed to the panel shall, unless he earlier resigns his office or is removed therefrom by the Governor, hold office for such period as the Governor may determine at the time of the appointment. Any person vacating office by effluxion of time may be re-appointed to the panel.
- (3) Every tribunal of appeal shall consist of three persons selected from the panel by the Minister and shall be convened by the Secretary. The members of such tribunal shall elect one from among themselves as Chairman of such tribunal. The decision of the majority of such members on any matter referred to such tribunal shall be the decision of such tribunal.
- (4) It shall be the duty of the Director to submit to a tribunal of appeal constituted under this section every appeal preferred under section 26.

- (5) Upon an appeal being submitted under subsection (4) to a tribunal of appeal, such tribunal may after affording to the appellant and the Director or his representatives an opportunity of being heard and after considering such evidence as may be tendered by them of on their behalf, make an order.
- (a) that the order against which the appeal has been preferred shall be annulled, or
- (b) that the unaided school to which such order relates shall be discontinued unless the requirements of such order, subject to any modifications which may be specified by such tribunal are complied with within the time specified.
- Non-compliance with an order for discontinuance of an unaided school to be an offence.**
28. Where an order for the discontinuance of an unaided school, made under section 25 and not appealed against under section 26 or made under section 27 is not complied with within the time specified in that behalf in the order, the proprietor of that school shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees, and in the case of a continuing offence an additional fine not exceeding five hundred rupees in respect of each day on which the offence is continued.
- Jurisdiction in respect of offences.**
29. (1) All offences under this Statute or under any regulation made thereunder shall be triable by a Magistrate's Court; or in the case of any offence committed within the jurisdiction of any small claims court, by such Small Claims Court.
- (2) The small claims court shall have jurisdiction to award the maximum punishment prescribed by or under this Statute for any offence notwithstanding anything contained in any other written law to the contrary.
- Power of Magistrate in certain cases to order a child to be sent to a Certified School.**
30. (1) If within the jurisdiction of any Magistrate's Court, any child of school going age neglects habitually and without reasonable excuse, to attend school, or is found habitually wandering about the streets and not under proper control, or in the company of disorderly or immoral persons or of reputed criminals, it shall be the duty of the prescribed officer, after due warning to the child and to the parents of the child if they can be found, to present a written report to the Magistrate.
- (2) The Magistrate shall summon the child and the parents (if they can be found) before him, and if satisfied of the truth of the report, may order such child, to be sent to any school or institution approved by the Minister under the Children and Young Persons Ordinance (hereinafter referred to as an "approved school") for such period (subject to the limitations prescribed in the said Ordinance) as to such Magistrate shall deem proper.
- (3) The cost of maintaining and educating the child at the approved school shall be defrayed, in the first instance, by the department, but the Magistrate in his discretion may issue an order to the parent of such child requiring such parent to pay the whole or any part of the costs of such maintenance.
- Procedure.**
31. With regard to the proceedings under this Statute or under any regulations made thereunder, the following provisions shall have effect, namely -
- (i) The Magistrate or Judge of the Small Claims Court may, instead of imposing a fine, make an order directing that the child shall attend school, and that if he fails to do so, the person against whom such order is made shall pay a fine exceeding the fine to which he is liable for failing to cause such child to attend school.
- (ii) The Magistrate or Judge of the Small Claims Court may order by summons any parent of a child required by regulations to attend school to produce the child before him and any parent failing to do so without reasonable excuse, proof whereof shall lie on him, to comply with such summons, shall be guilty of an offence and shall be liable on conviction after summary trial before a magistrate or Judge of the Small Claims Court to a fine not exceeding Two Hundred Rupees.

- (iii) When a child appears to be of the age alleged for the purpose of the proceedings, it shall lie on the parent to prove that the child is not of that age.
- (iv) A Certificate purporting to be under the hand of the Director or any officer of the department authorised by him, stating that a child has reached a particular standard of education, or is or is not under adequate and suitable instruction or stating that any school does or does not provide adequate and suitable instructions, shall be sufficient evidence of the facts stated in such certificate.

**Appointment, transfer and dismissal and disciplinary Control.**

32. (1) The appointment, transfer, dismissal and disciplinary control of any officer or public servant of the Department of Education shall be made in terms of section 32 of the Provincial Council Act. No. 42 of 1987 and any subsequent amendments thereof:
- (2) At the request of the Secretary to the Provincial Ministry of Education, any officer in the State service may with the consent of that officer and of the Secretary to the Ministry of the Minister in-charge of the subject of Public Administration be temporarily appointed in terms of section 31 (1) to the staff of the Provincial Ministry of Education or the Department under such Minister making that request, as the case may be, for a such period as may be determined by such Secretary and with the consent, may be permanently appointed to such staff in terms of section 2 (1).
  - (3) Where any state officer is temporarily appointed to the staff of the Provincial Ministry, if, at the time of his temporary assignment to the staff of the Ministry his substantive post in the State service was a post declared to be pensionable under the Minute on Pensions -
    - (i) he shall, while in the employ at such Provincial Education Department, be deemed to have been absent from duty in the State service on leave granted without salary on grounds of public policy accordingly section 10 (1) of the Minutes shall apply to him.
    - (ii) in respect of him, such Ministry shall pay out of the funds of the Ministry to the Deputy Secretary to the Treasury to be credited to the consolidated fund of Sri Lanka, for every completed month during which he is in the employ of the Ministry such sum not exceeding twenty five per centum of the salary payable to him in his substantive post in the State Service as may be determined by the Minister in-charge of the subject of Finance; and
    - (iii) if at the time of his temporary appointment to the staff of such Provincial Ministry of Education he was a contributor to the Public Service Provident Fund established under Public Service Provident Fund Ordinance, his service to such Provincial Ministry of Education shall, for the purposes of that Ordinance, be deemed to be service to the Government, and accordingly while he is in the employ of such Provincial Ministry of Education continue to pay to the Public Service provident Fund, such contributions as he may be liable under that ordinance to pay, and in respect of him, such Ministry shall pay at the close of each financial year out of the funds of the Ministry to the Deputy Secretary to the Treasury to be credited to the appropriate account in the Public Service Provident Fund, a sum equivalent to such contribution as the Government is liable to pay to the Public Service Provident Fund in respect of him.
  - (4) Where any state officer is permanently appointed to the staff of the Provincial Ministry of Education -
    - (a) he shall be deemed to have left the State service,
    - (b) if at the time of his permanent appointment to the staff of such Ministry his substantive post in the State service was a post declared to be pensionable under the Minutes on Pensions,

- (i) he shall be eligible for such an award under those Minutes as might have been made to him if he had been retired from the State service on the grounds of ill health on the date of his permanent appointment to the State service on the grounds of ill-health on the date of his permanent appointment to the staff of the Ministry;
  - (ii) the amount of any such award made under those Minutes shall not be paid to him unless his employment in the staff of such Ministry is terminated by retirement on account of age or ill-health or by abolition of the post held by him in such staff or any other ground approved by the Minister of the Cabinet of Ministers in-charge of the subject of Finance, and
- (c) if at the time of his permanent appointment to the staff of such Ministry he was a contributor to the Public Service provident Fund established under Public Service Provident Fund Ordinance he shall for the purpose of that ordinance, be deemed to have left the service of the government upon the determination of contract with the consent of the government, otherwise than by dismissal.
- (d) where Provincial Ministry of Education employs a person who has entered into a contract with the government by which he has agreed to serve the government for a specified period, any period of service to such Ministry by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.
- Officers and servants to be Public Officers. 33. All officers and servants of the Education Ministry of the Provincial Council of the Western Province shall be deemed to be Public Servants within the meaning and for the poses of the Penal code.
- Provincial Education Department to be a scheduled institution. 34. The Education Department of the Western Province shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall apply accordingly.
- Regulations. 35. (1) The Minister may make regulations for the Western Province for the purpose of giving effect to the principles and provisions of this Statute.
- (2) In particular and without prejudice to the generality of the powers conferred by sub-section (1) the Minister may make regulations as specified in para 154 G item 5 B of chap XVII of the 13th amendment for or in respect of all or any of the matters set out in Appendix III of List I and items 2 and 3 of List III of the Nineth schedule to the Thirteenth Amendment to the Constitution of the Democratic Socialist Republic of Sri Lanka.
- (3) Every regulation made by the Minister be brought before the Provincial Council of the Western Province for approval. Any regulation which is not so approved shall be deemed to be rescinded. Notification of the date on which any regulation is so deemed to be rescinded shall be published in the Gazette.
- (4) Every regulation made by the Minister shall on being approved by the Provincial Council Western Province, 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 therein and every regulation made by the Minister shall upon such publication in the Gazette be as valid and effectual as if it were herein enacted.
- Interpretation. 36. In the Statute, unless the context otherwise requires -  
 "State" of "Government School" -  
 means a school establishment whether wholly or partly before of after the date on which this Statute comes into operation, and maintained entirely from State funds and/or Provincial funds.

“Assisted school” -

means a school to which aid is contributed from State and/or Provincial funds.

Manager in relation to an assisted school means the person who appoints, transfers or dismisses or discontinues teachers in such a assisted school.

“Minister” -

means a Minister of the Board of Minister, to whom the subject of education has been assigned.

“Parent” -

includes a guardian and any person who has the legal or actual control of a child or has direct benefit from the wages of a child.

Prescribed officer means a - Grama Niladhari or any other officer appointed by the Director to give effect to the provisions of section 30 of this Statute.

“School going age” -

mean such age as may be prescribed by the National Ministry of Education.

“State funds” -

means the moneys provided by the Parliament for the purposes of the Education Ordinance and/or this Statute.

“proprietor” in relation to any school, means any person who or body of persons which, in the opinion of the Director, has for the time being the right to maintain and conduct the school, whether by virtue of the legal title to the land or by virtue of any right to the possession and control of the building or by virtue of any permission whether express or implied given by the legal owner of the land or the person legally entitled to the possession of the building, as the case may be, to conduct the school therein.

“Provincial funds” -

means the moneys provided by the Provincial Council, Western Province for the purpose of this Statute.

“Unaided School” -

means a school which is not a State/Government school or an assisted school.