

CHAPTER 381

EDUCATION

Ordinances AN ORDINANCE TO MAKE BETTER PROVISION FOR EDUCATION AND TO REVISE AND CONSOLIDATE THE LAW RELATING THERETO.
 Nos. 31 of 1939,
 61 of 1939,
 12 of 1945,
 3 of 1946,
 26 of 1947,
Acts
 Nos. 5 of 1951,
 43 of 1953,
 37 of 1958,
Law
 No. 35 of 1973.

[1st September. 1939.]

Short title. 1. This Ordinance may be cited as the Education Ordinance.

(2) Every Deputy Director-General of Education, every Director of any specified aspects of education, and every Regional Director of Education for the time being holding office as such shall be deemed to have been duly appointed under this Ordinance.

PART I

CENTRAL AUTHORITY

Department of Education. 2. (1) For the purposes of this Ordinance, there shall be a Department of Education consisting of the Director-General of Education and such other officers and servants as may be appointed from time to time.

(3) The Director-General of Education may delegate any function, power or duty vested in or assigned to or imposed on him by this Ordinance, the Assisted Schools and Training Colleges (Special Provisions) Act, No. 5 of 1960,* the Assisted Schools and Training Colleges (Supplementary Provisions) Act, No. 8 of 1961,* or by any other written law to any Deputy Director-General of Education or to any Director of any specified aspects of education or to any Regional Director of Education.

(2) The Department of Education existing on the day immediately preceding the date on which this Ordinance comes into operation shall be deemed to be established under this Ordinance and shall continue accordingly; and every officer or servant holding office in that department on the aforesaid day shall be deemed to be appointed under this Ordinance and shall continue in office accordingly.

3. (1) Subject to the general direction and control of the Minister, the Director-General and other officers of the department shall execute, and shall have power to enforce, the provisions of this Ordinance and of the regulations made thereunder.

Powers and duties of officers of the department.

Creation of certain new posts in the Department of Education. [§ 4, Law 35 of 1973.] 2A. (1) There may be appointed persons to be or to act as—

- (a) Deputy Directors-General of Education,
- (b) Directors of specified aspects of education, and
- (c) Regional Directors of Education.

(2) It shall be lawful for the Minister, on appeal or otherwise, to rescind, alter or revise any order or determination which is made by the Director-General in the exercise of his discretion under any of the provisions of this Ordinance or of any regulations made thereunder. The decision

* See List of Enactments omitted from the Revised Edition.

of the Minister in every such case shall be final, and shall be binding on the Director-General and all other persons affected thereby.

Power to make reductions in grants.

4. Where, in any year, the aggregate of the grants for any specific purpose under the provisions of this Ordinance or the regulations made thereunder exceeds the sum provided for that purpose by Parliament, the Director-General shall make a reduction in all or any of such grants in accordance with the allocations made by Parliament in respect of such grants, or, if such allocations are not made by Parliament, it shall be lawful for the Director-General, with the prior approval of the Minister, to make a proportionate reduction in all such grants so as to make the aggregate of the sums paid by way of grant equal to the sum provided by Parliament.

PART II

ADVISORY BODIES

CENTRAL ADVISORY COUNCIL

Establishment of Central Advisory Council.

5. (1) There shall be established a Central Advisory Council (hereinafter referred to as "the advisory council"), consisting of such persons not being less than ten in number as may be appointed by the Minister.

(2) The Minister shall nominate one of the members of the advisory council to be the chairman thereof.

(3) An officer of the Ministry of Education designated in that behalf by the Minister shall act as secretary to the council.

Function of the council.

6. The function of the advisory council shall be to advise the Minister on all such matters relating to education as may be referred by the Minister to the council for such advice or in respect of which the council may think fit to tender advice.

Procedure, &c.

7. The Minister may by Order published in the Gazette provide for the summoning and holding of periodical and other meetings of the advisory council and for the conduct of business and the procedure to be followed at meetings of the council.

8. (1) Any member of the advisory council may at any time be removed from office by the Minister,

Tenure of office, resignation and vacation of seat.

(2) Any member of the advisory council may resign his seat on the advisory council by letter addressed to the Minister.

(3) Every member of the advisory council, who is found on the thirty-first day of December in any year to have failed to attend at least one-half of the number of meetings held by the advisory council 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 meeting on the ground of ill health or with the leave of the advisory council first obtained, be deemed to have vacated his seat on the advisory council.

(4) Every member of the advisory council 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 expressly specified by the Minister at the time of the appointment.

(5) The Minister may from time to time appoint any suitable person—

(a) to act as a member of the advisory council in place of any member who is incapacitated by ill health from attending meetings of the advisory council or who is granted leave of absence by the advisory council; or

(b) to be a member of the advisory council in place of any member who resigns or vacates his seat or is removed from office by the Minister.

LOCAL ADVISORY COMMITTEES

9. (1) For the purpose of advising the Director-General upon matters connected with education in the different parts of Sri Lanka and the educational needs thereof,

Local advisory committees.

local committees (hereinafter referred to as "local advisory committees") shall be constituted—

- (a) for the area within the administrative limits of each of the Municipal Councils;
- (b) for each area within the administrative limits of an Urban Council or Town Council which is specified by the Minister by Order published in the Gazette as an area for which a local advisory committee may be constituted under this section; and
- (c) for each of such other areas, not including the areas or any part of the areas referred to in paragraphs (a) and (b), as may be specified or defined by the Minister by Order published in the Gazette as areas for which local advisory committees may be constituted under this section.

(2) Every area, which is to be defined by Order under paragraph (c) of subsection (1), shall be so determined as to ensure that any town for which an Urban Council or a Town Council has been established, or any village area comprised within the administrative limits of a Village Council, is either entirely excluded from the proposed area or included in its entirety therein.

10. (1) Every local advisory committee shall consist of twelve members.

(2) The officer of the department who is authorized by the Director-General to enforce or execute in any area the provisions of this Ordinance and the regulations made thereunder (hereinafter referred to as "the Chief Education Officer") shall be a member of the local advisory committee for that area.

(3) In the case of any area within the administrative limits of a Municipal Council or an Urban Council or a Town Council, two of the members of the local advisory committee for that area shall be nominated by the Minister on the recommendation of such Council; and in the case of

any area which is specified or defined by Order under section 9 (1) (c) and which includes the area within the administrative limits of any Urban Council or Town Council, two of the members of the local advisory committee for the area so specified or defined shall be nominated by the Minister on the recommendation of that Urban Council or Town Council:

Provided, however, that the Minister may, by Order published in the Gazette, increase or reduce the number of members to be nominated under this subsection either generally in respect of all such areas or specially in respect of any specified area; and in any such case the number of members nominated under this subsection shall be the number specified in the Order issued in respect of that case.

(4) Such of the members of each local advisory committee as are not referred to in subsection (2) or subsection (3) shall be nominated by the Minister.

(5) Any member of a local advisory committee, other than the Chief Education Officer, may at any time be removed from office by the Minister.

(6) Any member of a local advisory committee, other than the Chief Education Officer, may, resign his seat on the committee by letter addressed to the Director-General.

(7) Any member of a local advisory committee, other than the Chief Education Officer, who has failed to attend three consecutive meetings of the committee shall, unless he was absent from any such meeting on the ground of ill health or with the leave of the committee first obtained, be deemed to have vacated his seat on the committee.

(8) Every member of a local advisory committee, other than the Chief Education Officer, 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 nomination or for such other term as may have been expressly specified by the Minister at the time of the nomination.

Composition, term of office, &c., of local advisory committees.

(9) Subject to the provisions of subsection (3), the Minister may from time to time appoint any suitable person—

(a) to act as a member of a local advisory committee in place of any member (other than the Chief Education Officer) who is incapacitated by ill health from attending meetings of the committee or who is granted leave of absence by the committee ; or

(b) to be a member of the committee in place of any member who resigns or vacates his seat or is removed from office by the Minister.

Chairmen of local advisory committees.

11. (1) At the first meeting held after the constitution of each local advisory committee, the committee shall elect a chairman from among its members.

(2) Whenever the office of the chairman becomes vacant, the committee shall at the next succeeding meeting fill the vacancy by a like election from among its members.

Functions of local advisory committees.

12. (1) Save as otherwise expressly provided, the local advisory committee constituted for any area under this Ordinance shall not be deemed for any purpose to be vested with any executive or administrative duties or powers or with any functions other than that of giving advice or making recommendations on such matters, relating to education in that area or the educational needs thereof, as may be referred for consideration to that local advisory committee by the Minister or by the Director-General.

(2) All matters referred for consideration to a local advisory committee by the Minister or the Director-General shall be dealt with and disposed of by the local advisory committee at meetings summoned and held in the prescribed manner at the prescribed times or intervals.

THE SCHOOL EXAMINATIONS ADVISORY COUNCIL

Establishment of School Examinations Advisory Council.

13. (1) There shall be established a School Examinations Advisory Council consisting of the Commissioner of Examinations and of the prescribed number of members appointed by the Minister.

(2) The Commissioner of Examinations shall be the chairman of the School Examinations Advisory Council and shall preside at every meeting of the council at which he is present but shall not be entitled to vote on any matter brought before the council. In the event of the Commissioner of Examinations being absent from any meeting of the council, the members who are present may elect one of their own number to preside at that meeting.

14. (1) The function of the School Examinations Advisory Council shall be to advise the Commissioner of Examinations on all such matters relating to the control, organization and conduct of school examinations as may be referred by the Commissioner of Examinations to the council for such advice or in respect of which the council may think fit to tender advice.

Functions of School Examinations Advisory Council.

(2) The School Examinations Advisory Council shall not be deemed for any purpose to be vested with any administrative or executive powers or functions.

15. The provisions of sections 7 and 8 as to meetings, appointment of members, tenure of office, and vacation of office shall apply to the School Examinations Advisory Council and the members thereof in like manner as if every reference in those provisions to the advisory council or to members of the advisory council were a reference to the School Examinations Advisory Council or to members thereof.

Meetings, appointment of members, and tenure and vacation of office by members of School Examinations Advisory Council.

THE EDUCATIONAL RESEARCH COUNCIL

16. There shall be established an Educational Research Council consisting of the Director-General and of the prescribed number of members appointed by the Minister.

Establishment of Educational Research Council.

17. The Educational Research Council shall be an executive body and shall, subject to such directions as may be issued by the Minister, conduct and promote research in educational theory and practice and investigations and experiments with a view to the improvement of the methods of teaching.

Functions of Educational Research Council.

Meetings, appointment of members, and tenure and vacation of office by members, of Educational Research Council.

18. The provisions of sections 7 and 8 as to meetings, appointment of members, tenure of office, and vacation of office shall apply to the Educational Research Council and the members thereof in like manner as if every reference in those provisions to the advisory council or to members of the advisory council were a reference to the Educational Research Council or to members thereof.

PART III

CONSTITUTION, POWERS AND DUTIES OF URBAN AND RURAL EDUCATION AUTHORITIES

Application of Part III to urban areas and village areas.

19. (1) The Minister may, by Order published in the Gazette, apply the provisions of this Part to—

- (a) the area within the administrative limits of a Municipal Council or Urban Council or Town Council, if he is satisfied, upon the recommendation of the Minister in charge of the subject of Local Government, that the cost of supplying the educational needs or any specified part of the educational needs of that area should be borne by the Municipal Council or Urban Council or Town Council, as the case may be;
- (b) any village area within the meaning of the Village Councils Ordinance, if the Village Council of that area declares by resolution that it is prepared to bear the cost of supplying the educational needs or any specified part of the educational needs of the area, and the Minister is satisfied, upon the recommendation of the Minister in charge of the subject of Local Government, that such cost can be borne by the Village Council.

(2) Where the cost of supplying a part only of the educational needs of any area is to be borne by the Municipal Council, Urban Council, Town Council or Village Council constituted for that area, such part shall be defined in the Order issued under subsection (1) in respect of that area and

may thereafter be redefined from time to time by further Orders issued in that behalf.

20. Upon the publication of an Order under section 19 in respect of any area— Consequences of order under section 19.

- (a) the local advisory committee constituted for that area or for any larger area of which that area forms part, shall cease to function, or as the case may be, cease to function in respect of that area;
- (b) where that area is the area within the administrative limits of a Municipal Council or Urban Council or Town Council, the Municipal Council or Urban Council or Town Council shall be an urban education authority under this Ordinance for the purposes of that area;
- (c) where that area is a village area, the Village Council of that area shall be a rural education authority under this Ordinance for the purposes of that area; and
- (d) it shall be the duty of the urban education authority or the rural education authority of that area, as the case may be, to supply the educational needs of that area in accordance with the next following provisions of this Part.

21. Where by virtue of the application of the provisions of this Part to any area, the Municipal Council, Urban Council, Town Council or Village Council constituted for that area becomes, as the case may be, an urban education authority or a rural education authority, any other written law for the time being in force relating to the powers of such Council shall be deemed to be modified as follows :—

Power to levy additional rate and to expend moneys for the purposes of this Ordinance.

- (1) any powers conferred by such written law to impose and levy a rate on property shall be deemed to include the power to impose and levy, in the manner provided by that law, an additional rate on property for the purpose of meeting the cost of supplying the educational needs or

any part of the educational needs of the area:

Provided, however, that the additional rate hereby authorized shall not be leviable by a Village Council on any property within its administrative limits, which is, or forms part of an estate within the meaning of Part VI;

- (2) the purposes for which the funds at the disposal of the Council may be expended under such written law shall be deemed to include the payment of the cost of supplying the educational needs or any part of the educational needs of the area.

Preparation of local education schemes.

22. (1) For the purpose of discharging the duty referred to section 20, every Municipal Council or Urban Council or Town Council which is an urban education authority and every Village Council which is a rural education authority under this Ordinance shall each year—

- (a) at the time of the preparation of its annual budget or as soon as may be thereafter, prepare for the approval of the Minister a local education scheme in accordance with the provisions of this Part and not inconsistent with any of the other provisions of this Ordinance or of any regulations made thereunder; and
- (b) provide from time to time out of the funds at its disposal such sum or sums as may, together with any sum contributed by the Director-General, form a local education fund sufficient to defray the cost of carrying out the local education scheme prepared for that year and approved by the Minister.

(2) No local education scheme shall be valid, and no steps shall be taken to carry out any local education scheme, until it has been approved by the Minister and notification of such approval has been published in the Gazette ;

Provided that no such scheme shall be confirmed by the Minister, which is prepared in pursuance of any policy aimed against assisted denominational schools as such.

23. Every local education scheme shall provide—

Local education scheme to provide for control of local education fund.

- (a) for the control and disposal of the local education fund either by the urban or rural education authority of the area or by the Director-General or by such authority and the Director-General jointly, in accordance with the provisions of this Ordinance and the regulations made thereunder.
- (b) for the appointment, by such authority or by the Director-General, of such officers as may be necessary for the due execution of the local education scheme, and for the payment of their salaries, wages, allowances, pensions or gratuities, if any, and the establishment of any provident fund that may be necessary in accordance with such regulations as may be made in that behalf.

24. (1) Every local education scheme shall provide for the delegation, by the urban or rural education authority, to a committee to be known as the local education committee whether with or without any conditions or limitations as that authority thinks fit, of all the powers, duties or functions conferred or imposed on or vested in such authority by the provisions of this Part and by the local education scheme, save only the power of voting or providing money or levying a rate or borrowing money or appointing officers or keeping and auditing accounts.

Delegation of power to local education committee.

(2) The local education scheme for any area may provide for the appointment of sub-committees, to be known as local education sub-committees, for defined portions of the area, and for the discharge of any of the functions of the local education committee, subject to the general direction and control of that committee, by each such sub-committee within that portion of the area for which it is appointed.

25. (1) The local education committee of each area shall consist of the prescribed number of members, each of whom, unless he earlier resigns or vacates his seat or is

Composition of local education committee.

removed from office in such manner or in such circumstances as may be specified in the local education scheme, shall hold office for the prescribed period.

(2) The local education committee of any area shall consist of the Members of Parliament for that area and such number of members of the urban or rural education authority of that area nominated by such authority as may be prescribed.

(3) Every local education committee shall elect a chairman, who shall preside at its meetings, and a vice-chairman, and subject to such regulations as may be made in that behalf, shall exercise, perform and discharge, within the area for which it is appointed, such powers, duties and functions as may be delegated to it by the urban or rural education authority of that area.

Local education sub-committees.

26. (1) Where the local education scheme for any area provides for the appointment of local education sub-committees, that area shall be divided into such number of portions as may be specified in that scheme, and for each such portion there shall be appointed a local education sub-committee.

(2) Every local education sub-committee of any area shall be appointed in such manner as may be provided for in the local education scheme of that area, and shall consist of the number of members specified in the scheme; and each such member, unless he earlier resigns or vacates his seat or is removed from office in such manner and in such circumstances as may be specified in the scheme, shall hold office for the prescribed period:

Provided, however, that every elected member who, in the Municipal Council, Urban Council, Town Council or Village Council constituting, as the case may be, the urban or rural education authority for that area, represents any ward or electoral division falling wholly or partly within any such divided portion of the area, shall be included in the local education sub-committee appointed for such divided portion of the area.

(3) Every local education sub-committee shall elect a chairman, who shall preside at its meetings, and a vice-chairman, and subject to such regulations as may be made in that behalf, shall exercise, perform and discharge, within that divided portion of the area for which it is appointed, and under the general direction and control of the local education committee, such powers, duties and functions as may be delegated to it by the local education scheme prepared for the area.

27. A local education scheme may, among other matters provide—

Provision of educational facilities in exceptional cases.

(a) for all such measures and all such expenditure as may be necessary for securing to deserving children adequate educational facilities and industrial training;

(b) for the medical inspection or treatment of children attending school and for their health and well-being, and for the supply of free meals and school books to the children of poor parents attending school;

(c) for the education of blind, deaf, defective and epileptic children.

28. (1) It shall be lawful for any Municipal Council, Urban Council, Town Council, or Village Council which is, as the case may be, an urban education authority or rural education authority under this Ordinance to borrow such sum or sums of money as may be necessary for carrying out any work of a permanent character undertaken under the provisions of this Part and for the acquisition of any land or building required for the purposes of, or in connexion with, such work, on such terms or conditions as may be approved by the Minister.

Borrowing powers of urban or rural education authorities.

(2) The power to borrow moneys conferred by subsection (1) shall be subject always to any limitation imposed for the time being by any other written law relating to the constitution of Municipal Councils, Urban Councils, Town Councils or Village Councils, as the case may be, upon the powers of any such Council to borrow moneys for the purposes of such other law.

Acquisition of land or building.

29. Any private land or building which may be required by an urban or rural education authority for the purposes of this Part may be acquired by the State for such purposes under the provisions of the Land Acquisition Act, or of any other enactment for the time being in force providing for the acquisition of private land or buildings for public purposes. When the urban or rural education authority has paid the compensation awarded, the President may transfer such land to the urban or rural education authority by a writing under the hand of the prescribed officer to the effect that the same has been transferred to the urban or rural education authority and any such land or building when no longer required for the purposes of this Ordinance may be dealt with by the urban or rural education authority in like manner as any other land or building the title to which is vested in that authority.

Accounts and Audit.

30. (1) Where the urban or rural education authority has control of the whole or part of the local education fund referred to in section 22, separate accounts shall be kept by the urban or rural education authority of the receipts into and expenditure from the fund or such part of the fund in respect of the functions discharged by such urban or rural education authority under this Part; and those accounts shall be made up in like manner and subject to the same provisions as in the case of a Municipality or Urban Council, Town Council or Village Council, as the case may be, and shall be audited by the Auditor-General or an officer authorized by him (hereinafter referred to as the auditor).

(2) Any member or officer of an urban or rural education authority, local education committee or local education sub-committee or any officer concerned or employed in carrying the provisions of this Ordinance into execution who being liable to account refuses to allow any such auditor, when so authorized or required to make the inspection, or obstructs him in his inspection or conceals any such account or book for the purpose of preventing inspection thereof, shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding one hundred rupees.

Powers of auditor.

31. (1) Every auditor of a local education fund created under this Ordinance, acting in pursuance of the powers conferred upon him by this or any other Ordinance, shall disallow every item of expenditure which is contrary to law, and surcharge the same on the person making or authorizing the making of the illegal payment, and shall charge against any person the amount of any deficiency or loss incurred by the negligence or misconduct of that person and any amount which ought to have been, but is not, brought into account by that person, and shall in each case certify the amount due from such person and communicate his decision in writing to such person through the Mayor or Chairman of the urban or rural education authority, provided that no expenses paid by the urban or rural education authority shall be disallowed by any such auditor if such expenses have been sanctioned by the Minister.

(2) Before making any disallowance or surcharge against any person, the auditor shall afford an opportunity to such person to be heard or to make any representation with regard to the matter which he may think fit, and shall in the event of his making such disallowance or surcharge furnish such person in writing, on application being made to him for that purpose, with the reasons for his decision in respect of such disallowance or surcharge.

(3) Any person aggrieved by any such disallowance or surcharge may, within fourteen days after the date of the decision of the auditor being communicated to him, appeal therefrom to the Minister in charge of the subject of Finance:

Provided that no such appeal shall be entertained in any case in which the appellant has failed or neglected to make any representation with regard to the matter of such disallowance or surcharge after an opportunity to do so has been afforded to him by the auditor in accordance with the provisions of subsection (2).

(4) Any such appeal shall be decided by the Minister in charge of the subject of Finance according to the merits of the case and the Minister in charge of the subject of Finance may, by order, direct the recovery

from the appellant of the whole or any portion of the amount disallowed or surcharged, if he thinks fit to do so; and if he finds that any disallowance or surcharge has been lawfully made, but that the subject-matter thereof was incurred in such circumstances as to make it fair and equitable, that the disallowance or surcharge should be remitted, the Minister in charge of the subject of Finance may, by order direct that the same shall be remitted, but that the amount of the costs and expenses which may have been incurred by the auditor in the enforcing of such disallowance or surcharge or any portion thereof, shall be recovered from such person.

(5) Any amount directed to be recovered from any such person by any order made by the Minister in charge of the subject of Finance under this section may forthwith be recovered by the urban or rural education authority in the same manner as any sum certified to be due by an auditor is recoverable under the provisions of this section.

(6) Every sum certified to be due from any person by any auditor as aforesaid shall be paid by such person to the urban or rural education authority within fourteen days after the decision of the auditor has been communicated to such person, unless there is an appeal against the decision and if such sum is not so paid and there is no such appeal, it shall be the duty of the urban or rural education authority to recover the same from such person, and any sum so certified, together with all costs and expenses incurred in connexion with the enforcement thereof, may, on application to a Magistrate having local jurisdiction, be recovered in the same manner as if it were a fine imposed by such Magistrate.

Every officer to be deemed a public servant.

32. Every officer appointed under this Part shall be deemed to be a public servant within the meaning of the Penal Code.

Application of Parts I, IV, V and VII.

33. Upon the application of this Part of this Ordinance by Order under section 19 to the area within the administrative limits of a Municipal Council or an Urban Council or a Town Council or to a village area Parts I, IV, V and VII of this Ordinance shall also apply and have effect within such area,

and the regulations made under Part V of this Ordinance, including the penal provisions thereof, shall so far as they relate or are applicable to such area, be effectual and binding upon all persons within such area.

PART IV

RELIGION IN SCHOOLS AND MANAGERS

34. No applicant shall be refused admission into any assisted school on account of the religion, nationality, race, caste, social status or language of such applicant or of either of his parents. Religion, &c. no bar for admission.

35. (1) 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 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-General: Religious instructions.

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 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.

(2) The principal or any person for the time being 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.

(3) The time for any instruction in, or for any worship or observance connected with,

any religion at a meeting of a 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-General and kept permanently and conspicuously affixed in every classroom of the school.

- (4) For the purposes of this section—
- (a) the definition of " parent " in section 62 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 paragraphs (i) and (ii), the religion which any person having legal or actual control of the pupil declares to be the pupil's religion shall be deemed to be the religion of the parent of the pupil.

(5) In the case of any assisted school, the Director-General may, for the breach of any of the provisions of this section, withhold or refuse to pay any such grant from State funds as may be payable to the manager of the school or remove the school from the list of registered schools.

36. (1) The Director-General may appoint as the manager of an assisted school any person recommended in writing by the proprietor of the school.

(2) The Director-General may, for reasons to be stated by him in writing and communicated to the proprietor of an assisted school, refuse to appoint as the manager of that school the person recommended by the proprietor and may require the proprietor to recommend some other person as manager.

(3) 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-General to be suitable, it shall be lawful for the Director-General in his discretion to appoint a suitable person as manager.

(4) The Director-General may suspend or remove from office the manager of an assisted school either of the Director-General's own motion or upon a written request made in that behalf by the proprietor of the school.

(5) Where the proprietor of an assisted school makes a written request to the Director-General to suspend or remove from office the manager of the school, the Director-General may, for reasons to be stated by him in writing and communicated to the proprietor, refuse to suspend or remove the manager from office.

(6) A person suspended or removed from the office of manager of an assisted school by the Director-General of his own motion shall be entitled to appeal to the Minister against the suspension or removal. The decision of the Minister on any appeal under this subsection shall be final and conclusive.

(7) The proprietor of an assisted school shall be entitled to appeal to the Minister against any decision of the Director-General refusing to appoint as manager of the school 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. The decision of the Minister on such appeal shall be final and conclusive.

Managers of assisted schools.

(8) Every appointment, retirement or removal of the manager of an assisted school shall be notified by the Director-General in the Gazette.

(9) No teacher of an assisted school, and no person who derives any profit or emolument from an assisted school shall be appointed or shall act as manager of that school.

(10) Every person who—

(a) after he is suspended or removed from the office of manager of an assisted school by the Director-General, refuses to vacate his office or resists or obstructs any other person lawfully appointed to be or to act as the manager in entering upon or executing the duties of the manager, or

(b) acts as manager in contravention of the provisions of subsection (9),

shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding one hundred rupees, and, in the case of a continuing offence, to a fine not exceeding ten rupees in respect of each day during which the offence is continued.

PART V

**POWER OF MINISTER To
MAKE REGULATIONS**

Regulations.

37. (1) The Minister may make regulations which shall be known as the Code, either for the whole of Sri Lanka generally or for a defined area or areas specially, for the purpose of giving effect to the principles and provisions of this Ordinance:

Provided that no regulation shall be made under this section in pursuance of any policy aimed against any particular assisted denominational schools as such.

(2) In particular, and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make

regulations for or in respect of all or any of the following matters ;—

I.—Education

(a) the establishment, taking over, transfer, continuance, discontinuance, grading, staff, and equipment of schools, including nursery schools for the education of children who have not attained the age of five years, schools for the education of blind, deaf, defective, or epileptic children, and schools in any sanatorium for the reception of pupils and teachers from schools in epidemic-stricken areas;

(b) the conditions subject to which grants from State funds will be paid in respect of an assisted school, the purposes for which such grants will be paid, and the conditions for the breach of which such grants will be stopped;

(c) the registration of schools after the 1st day of July, 1947, and the special conditions subject to which grants from State funds will be payable in respect of such schools, including conditions restricting the payment of grant in respect of pupils whose parents do not profess the religion of the proprietor of any school so registered ;

(d) the admission to schools, the course and schedules of studies, and the books and apparatus to be used therein;

(e) the language through the medium of which instruction shall be given in any class in any Government school or assisted school;

(f) the classification of pupils other than those attending unaided schools, and their assignment to classes or schools, according to their proficiency and aptitude;

(g) the discipline to be enforced in such schools;

- (h) the inspection and examination of such schools and the manner in which inspecting officers shall perform their duties;
- (i) the medical inspection or treatment of children attending such schools;
- (j) the health and well-being of children attending such schools, including the supply of free meals, free clothes, and free books to the children of poor parents attending such schools;
- (k) the classification of schools and the conditions of admission into any specified class of schools;
- (l) the measures and the expenditure necessary for securing to deserving children adequate educational facilities and industrial training;
- (m) the duties of managers and the manner of their performance;
- (n) the qualifications, period of training, salaries, appointment, registration, grading, suspension, and removal of teachers;
- (o) the appointment of officers to secure the attendance of children at schools in areas in which regulations for their compulsory attendance are in force and for the payment of the salaries of such officers;
- (p) the power of such officers to demand and obtain information with regard to children who are required by such regulations to attend such schools, and to require the production of such children before them for inspection;
- (q) the entry by such officers upon any premises and the search thereof for the purpose of gaining or verifying information with regard to any such children;
- (r) specifying the limits of any area within which efficient provision has been made for education by means of schools situated within or outside such area;
- (s) requiring, subject to such exemptions and qualifications as may be contained in such regulations, the parent of any child not less than five and not more than sixteen years of age residing within such area, to cause such child to attend a school unless he has made adequate and suitable provision for the education of such child; but so however that no regulation made for this purpose shall involve the attendance at any school by any child from any distance exceeding two miles;
- (t) determining the days on which and the hours during which children shall attend school, and the days which shall be observed as holidays by all schools or any specified school or class of schools;
- (u) provision for the infliction in the event of a contravention of any such regulation, of the penalty of a fine not exceeding one rupee, and in the case of a continuing offence, an additional fine not exceeding fifty cents per day;

II.—*Training of Teachers*

- (a) the establishment, taking over, transfer, continuance, discontinuance, staff, and equipment of, and the control of the admission of students into, training colleges for teachers;

III.—*Special Schools*

- (a) the providing or aiding of special schools which shall be subject to such provisions of the Code as the Director-General may think fit to apply;

IV.—*General*

- (a) the terms and conditions relating to the award of exhibitions and

scholarships for purposes of study whether in Sri Lanka or abroad ;

- (b) the education of adults;
- (c) technical, agricultural and commercial education;
- (d) the standards of accommodation and of sanitation to be maintained in Government and assisted schools, and also in all other schools or places in which classes attended by children of school-going age are held, and the exhibition of notices in the case of an approved school, that it is an approved school;
- (e) all matters stated or required in this Ordinance to be prescribed ;
- (f) generally for the regulation and conduct of the business of the School Examinations Advisory Council, Educational Research Council, local advisory committees, local education committees and local education sub-committees, the quorum for the meetings and the procedure to be followed at the meetings thereof.

(3) No regulation made under this section shall have effect until it has been approved by Parliament; nor until notification of such approval has been published in the Gazette.

(4) Every regulation made by the Minister shall, upon publication of the notification of the approval of that regulation as provided for in subsection (3), be as valid and effectual as if it were herein enacted.

Explanation of adequate and suitable provision by parent.

38. (1) For the purposes of the regulations made under this Ordinance, a parent shall be deemed to have made adequate and suitable provision for the education of his child—

- (a) if he proves that his child is in regular attendance at a school approved by the Director-General or Chief Education Officer as providing adequate and suitable education; or

(b) if he proves that he has made such other provision for his child's education as the Director-General or Chief Education Officer shall certify to be adequate and suitable; or

(c) if he produces a certificate from the Director-General or Chief Education Officer recommending that the child shall be exempted from compulsory attendance; or

(d) if he produces a certificate from the Director-General exempting his child from compulsory attendance on the ground that the Director-General is unable to procure the admission of the child into a school conveniently situated in the area in which he resides.

(2) (a) No parent shall be convicted for a contravention of any regulations made under this Ordinance requiring his child to attend school, if he proves to the satisfaction of the court that he had reasonable cause for not causing such child to attend-

(b) For the purpose of this subsection, a person shall be deemed to have a reasonable excuse for not causing his child to attend school, if he proves that the child is prevented from attending by sickness or other unavoidable cause.

PART VI

ESTATE SCHOOLS

39. (1) This Part of this Ordinance shall, subject to the provisions of subsection (2), apply to every estate on which there are more than twenty-seven children who are not less than five and not more than fourteen years of age and whose parents are resident on that estate. Application of part VI.

(2) Where the Director-General certifies in writing that the children resident on any estate referred to in subsection (1) can be conveniently educated in any school other than a school established and maintained under this Part of this Ordinance, the Minister may, by Order published in the Gazette, declare that this Part shall not

apply to such estate; and where such Order is made in respect of such estate, the provisions of the other Parts of this Ordinance shall apply to the education of such children.

Premises to be set apart on estates for establishing schools for children resident on the estates.

40. (1) Subject to the provisions of subsection (2), the owner of an estate shall set apart on the estate premises consisting of—

- (a) a building which conforms to such standard as may be prescribed and which is to be used for educating the children on the estate who are required to attend school under section 43,
- (b) a habitable house for a married head teacher, and
- (c) an area of uncultivated land not less than one acre in extent situated in the vicinity of the aforesaid building and suitable for use partly as a school playground and partly as a school garden.

(2) The owners of two or more estates may, with the written sanction of the Director-General, Jointly set apart on any of those estates such premises as are referred to in subsection (1) for the purposes of a common school for the children on those estates who are required to attend school under section 43, and where such premises are so set apart, the owner of each of those estates shall be deemed to have adequately complied with the provisions of subsection (1).

(3) Where the owner of an estate has failed to comply or is not deemed to have complied with the provisions of subsection (1), the Director-General may, by written notice served on the person for the time being in charge of the estate, direct the owner to conform to those provisions within such period not less than twelve months as may be specified in the notice; and where such notice is served on the aforesaid person and the owner commits default in complying with the notice, the Director-General or any person authorized by him may enter the estate with such assistants, servants, implements and materials, and do

such acts and take such measures, as may be necessary to make good the default of the owner.

(4) The amount of the expenses incurred by the Director-General in causing any act to be done or any measure to be taken on an estate under subsection (3) shall be deemed to be a debt due to the State from the owner of the estate and shall be recovered accordingly.

41. (1) The owner and the person for the time being in charge of an estate shall permit the Director-General to establish and maintain a Government school on premises set apart on the estate under section 40.

Establishment and maintenance of Government schools on premises set apart on estates under section 40.

(2) Where a Government school is maintained on premises set apart on an estate under section 40, the Director-General shall pay to the owner of the estate rent at such rates and at such times as may be prescribed.

(3) The owner of an estate shall keep in repair any building or house in respect of which the Director-General pays rent under subsection (2). Where any necessary repairs to such building or house are not effected by the owner, the Director-General shall, by written notice served on the person for the time being in charge of the estate, require the owner to effect those repairs within such period not less than two months as may be specified in the notice; and where such notice is served on the aforesaid person and the owner commits default in complying with the notice, the Director-General shall cause those repairs to be effected and shall deduct their cost from the rent payable to the owner.

(4) So long as the Director-General pays rent under subsection (2) in respect of premises set apart on an estate under section 40, no action or proceedings for the ejection of the Director-General or any person authorized by the Director-General from those premises shall be instituted in or entertained by any court.

42. Where a Government school is maintained on premises set apart on an estate under section 40, no person shall, without the written permission of the

Prohibition of unauthorized use of premises set apart under section 40.

Director-General, use any part of those premises for any purpose other than a purpose of that school.

Parents to cause children to attend school.

43. Where the parent of a child not less than five and not more than fourteen years of age is resident on an estate, he shall cause the child to attend school.

Entry into estates.

44. The owner and the person for the time being in charge of an estate shall permit the Director-General or any person authorized by the Director-General—

- (a) to enter, inspect or occupy any premises set apart on the estate under section 40, or
- (b) to transport by vehicle any person or article into or out of those premises, or
- (c) to enter the estate and exercise the powers conferred by subsection (3) of section 40.

Offences.

45. (1) A parent who contravenes the provisions of section 43 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one rupee, and in the case of a continuing offence, an additional fine of fifty cents in respect of each day on which the offence is continued.

(2) The owner or the person in charge of an estate who contravenes the provisions of subsection (1) of section 41 or the provisions of section 44, and any person who contravenes the provisions of section 42, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for any period not exceeding three months.

(3) The owner of any estate who commits default in complying with any notice served under subsection (3) of section 40 on the person for the time being in charge of the estate shall be guilty of an offence, and liable on conviction after summary trial before a Magistrate to a fine not exceeding five hundred rupees, and in addition, to a further fine not exceeding fifty rupees for each day on which the offence is continued after conviction.

No prosecution for any offence under this subsection shall be instituted except by or with the written sanction of the Director-General.

46. For the purposes of this Part of this Ordinance—

interpretation of part VL

" estate " means any estate in which labourers are employed and of which ten acres or more are actually cultivated;

" labourer " means a labourer employed on an estate including a *kangany* and female labourer and any relative of a labourer resident upon the same estate.

PART VII

GENERAL

47. (1) No fees shall be charged in respect of admission to, or of the education provided in, a Government school or an assisted school.

Prohibition of fees for admission to or education in Government and assisted schools. [§ 2, 37 of 1958.]

(2) Notwithstanding anything in subsection (1), regulations may be made under this Ordinance authorizing the charging of a fee or fees from pupils in any Government school or assisted school in order to defray the expenses incurred in providing therein facilities for games or physical training or services for educational, recreational or health purposes, and such regulations may—

- (a) fix the maximum amount of such fee or fees;
- (b) specify the conditions, restrictions and exemptions subject to which such fee or fees may be charged ;
- (c) provide for a right of appeal to the Director-General against any decision relating to the charging of such fee or fees; and
- (d) prescribe the records which shall be maintained in schools where such fee or fees are charged and the particulars to be entered in such records.

(3) Notwithstanding anything in subsection (1), fees may be charged in respect of the admission or education of a pupil admitted or promoted to a class above standard VIII in any assisted school, if, but only if, the pupil has not been certified under regulations made in that behalf to be suitable for senior secondary education.

(4) In the case of any assisted school, the Director-General may, for the contravention of the provisions of subsection (1), withhold or refuse to pay any such grant from State funds as may be payable to the manager of the school or remove the school from the list of registered schools.

48. (1) It shall be the duty of any person who desires to open a school or give instruction in the Sinhala or any other language in any schoolroom or any building not previously used by him for the purpose to 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 instruction, to give written notice of his intention and to report particulars of such school or instruction to the Director-General, and thereafter supply such information as may be required by the Director-General, with regard to his school or his class or classes, and the courses of instruction he is giving or proposes to give :

Provided that the Director-General may in his discretion 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-General may in his discretion refuse to approve of any school or course of instruction in respect of which notice is given under subsection (1) for the purposes of any grant from the State funds.

(3) No person who opens any school or gives any course of instruction in contravention of the provisions of subsection (1) shall be entitled to any grant or claim any grant from the State funds in respect of such school or course of instruction.

49. (1) No person shall, on or after the 1st day of June, 1951, maintain any school unless the principal or other person for the time being in control of the school has notified to the Director-General in writing all such particulars relating to the school as the Director-General may, by notice published in the Gazette, require to be furnished to him in respect of unaided schools.

Notification of particulars relating to unaided schools.

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

50. It shall be lawful for the Director-General or any inspecting officer of the department, or the Chief Education Officer or any other person generally or specially authorized by the Director-General, to enter and inspect any school and inspect and examine the pupils therein and all the registers of admission and attendance of any such school.

Power of inspection.

51. (1) Where, after an unaided school has been examined under section 50, the Director-General is satisfied that the school is open to the complaint—

Discontinuance of unaided schools which are unsatisfactory

(a) that, having regard to the number, ages and sex of the pupils attending the school, the accommodation provided at the school is inadequate or unsuitable, or

(b) that the sanitary arrangements at the school are inadequate, or

(c) 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

(d) 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

Duty of persons opening new schools to report to Director-General.

(e) 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, including the policy regarding the medium of instruction in schools,

the Director-General may cause to be served upon the proprietor of the school an order—

- (i) stating full particulars of the matters complained of and the measures necessary to remedy such matters,
- (ii) specifying the time, not being less than six months after the service of the order, within which such measures are to be taken, and
- (iii) directing that, in the event of such measures not being taken within such time, the school shall be discontinued forthwith after the expiry of such time.

(2) 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 51.

52. The proprietor of an unaided school on whom an order is served under section 51 may, within the time allowed in that behalf by the order, prefer a written appeal against the order to a tribunal of appeal constituted under section 53. 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-General so as to reach the Director-General within the aforesaid time.

Tribunal of appeal.

53. (1) For the purpose of constituting tribunals of appeal for hearing and determining appeals under section 52, there shall be established a panel of not less than ten persons appointed by the President.

(2) A person who is directly or indirectly engaged in the management of any school or who has no legal experience shall not be

eligible for appointment to the panel under subsection (1). Every person appointed to the panel shall, unless he earlier resigns his office or is removed therefrom by the President, hold office for such period as the President may determine at the time of the appointment. Any person vacating office by effluxion of time may be reappointed 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 Director-General. 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-General to submit to a tribunal of appeal constituted under this section every appeal preferred under section 52.

(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-General or their representatives an opportunity of being heard and after considering such evidence as may be tendered by them or 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 so specified.

54. Where an order for the discontinuance of an unaided school, made under section 51 and not appealed against under section 52 or made under section 53, 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 one hundred rupees,

Non-compliance with an order for discontinuance of an unaided school to be an offence.

and, in the case of a continuing offence, an additional fine not exceeding ten rupees in respect of each day on which the offence is continued.

Jurisdiction in respect of offences.

55. (1) All offences under this Ordinance or under any regulations made thereunder shall be triable by a Magistrate's Court; or in the case of any offence committed within the jurisdiction of any Primary Court, by the Primary Court.

(2) The Primary Court shall have Jurisdiction to award the maximum punishment prescribed by or under this Ordinance for any offence thereunder, notwithstanding anything contained in any other written law to the contrary.

Power of Magistrate in certain cases to order child to be sent to certified industrial school.

56. (1) If within the jurisdiction of any Magistrate 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 such child and the parents (if they can be found) before him, and, if satisfied of the truth of the report, may order such child, if a male, to be caned in accordance with the provisions of the Corporal Punishment Ordinance or order any 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 by the said Ordinance) as to such Magistrate shall seem proper.

(3) The costs of maintaining and educating the child at the approved school shall be defrayed, in the first instance, by the department, but the Magistrate may in his discretion 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, provided that such order may be made on the application of the prescribed officer.

57. With regard to proceedings under this Ordinance or under any regulations made thereunder, the following provisions shall have effect, namely :—

(1) The Magistrate or Judge of the Primary 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 on whom such order is made shall pay a fine not exceeding the fine to which he is liable for failing to cause such child to attend school.

(2) The Magistrate or Judge of the Primary Court may require by summons any parent of a child required by regulations to attend school to produce the child before him and any parent failing 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 Primary Court to a fine not exceeding five rupees.

(3) When a child is apparently of the age alleged for the purpose of the proceedings, it shall lie on the defendant to prove that the child is not of that age.

(4) A certificate purporting to be under the hand of the Director-General, or any officer of the department authorized 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 instruction, shall be sufficient evidence of the facts stated in such certificate.

58. Any private land which may be required for the purposes of, or in connexion with, the erection or extension of school buildings, teachers' houses, offices, or premises, or for the establishment of school gardens or playgrounds, or otherwise

Acquisition of land for purposes of the Ordinance.

for the purposes of this Ordinance, may be acquired by the State for such purpose under the provisions of the Land Acquisition Act, or of any other enactment for the time being in force providing for the acquisition of private land for public purposes.

Power to remove difficulties.

59. (1) If any difficulty arises in connexion with the application of this Ordinance or of any Part of this Ordinance within the administrative limits of any Municipal Council, Urban Council, Town Council, or Village Council, or of an area specified or defined under section 9 (1) (c) or in bringing into operation any of the provisions of this Ordinance, the Minister may make such order for removing the difficulty as he may judge to be necessary for that purpose, and any such order may modify the provisions of this Ordinance so far as may appear to him necessary for carrying the order into effect.

(2) Every order made under this section shall come into operation upon the date specified therein in that behalf, but shall be laid before Parliament as soon as may be after it is made and shall cease to have effect upon the expiration of a period of three months from the date upon which it came into operation, unless at some time before the expiration of that period it has been approved by a resolution passed by Parliament,

Provisions as to orders and schemes.

60. (1) Any order or scheme under this Ordinance may contain such incidental, consequential, or supplemental provisions as may appear necessary or proper for the purposes of the order or scheme.

(2) Any order or scheme made under this Ordinance may be altered or revoked by an order or scheme made in like manner and subject to the like provisions as the original order or scheme.

Exemption from the provisions of this Ordinance.

61. The provisions of this Ordinance shall not apply to any institutions, devoted mainly or entirely to the education in agriculture of persons who are not less than sixteen years of age.

62. (1) In this Ordinance, unless the Interpretation. context otherwise requires—

" advisory council" means the Central Advisory Council established under section 5;

" assisted school" means a school to which aid is contributed from State funds;

" department" means the Department of Education;

" Director-General " means the Director-General of Education and includes any officer of the department to the extent to which he is, by the authority of the Director-General, empowered to exercise or perform any of the powers and duties of the Director-General under this Ordinance;

" educational needs " means such facilities for adequate educational and industrial training as may be prescribed by regulations;

" Chief Education Officer" means the officer referred to in section 10 (2);

" Educational Research Council " means the body established under section 16;

" functions " includes powers and duties ;

" Government school" means a school established, whether wholly or partly before or after the date on which this Ordinance comes into operation, and maintained entirely from State funds;

" grant" means any form of subvention from State funds including salaries paid direct to the teacher by the department;

" local advisory committee " means the committee referred to in section 9 ;

" local education committee " means the committee referred to in section 24(1);

"local education scheme" means the scheme referred to in section 22;

"local education sub-committee" means the sub-committee referred to in section 24 (2);

"manager" in relation to an assisted school means the person who appoints, transfers, or dismisses or discontinues teachers in such assisted school;

"officer" includes any schoolmaster, duly qualified medical practitioner, treasurer, master or matron or warden of an institution or school or any other person who is for the time being employed in carrying this Ordinance or Part III of this Ordinance into execution;

"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" means prescribed by this Ordinance or by regulations made under this Ordinance;

"proprietor", in relation to any school, means any person who, or body of persons which, in the opinion of the Director-General, 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;

"School Examinations Advisory Council" means the body established under section 13 ;

"school-going age" means such age between a prescribed maximum and minimum age at which a child is liable to attend school;

"State funds" means the moneys provided by Parliament for the purposes of this Ordinance;'

"Town Council" means a Town Council established under the Town Councils Ordinance;

"unaided school" means a school which is not a Government school or an assisted school;

"Urban Council" means an Urban Council established under the Urban Councils Ordinance;

"Village Council" means a Village Council established under the Village Councils Ordinance.

(2) The occupier of the premises in which any child usually resides shall be deemed to have the actual custody of such child until the contrary is proved.

63. Notwithstanding the repeal of such Transitional provisions. of the provisions of the Rural Schools Ordinance, 1907, as are still in force,* and of the Education Ordinance, 1920*—

(a) nothing in such repeal shall affect any regulation or by-law made under the repealed Ordinances, but any such regulation or by-law shall continue in force and shall have effect as if it were a regulation made by the Minister under this Ordinance and shall cease to be operative as and from the date on which regulations made by the Minister under this Ordinance in substitution for such regulation or by-law shall come into force; and any reference to a District School Committee or District Committee in any such regulation or by-law shall be construed as a reference to the Director-General;

(b) the property and funds of which a District School Committee or District Committee shall be possessed, or which a District School Committee or a District Committee shall own, under or by

Repealed by section 51 of Ordinance No. 31 of 1939.

reason of the provisions of the repealed Ordinances, and all the rights, duties, liabilities and obligations of any such District School Committee or District Committee, shall be deemed to be transferred to the State:

such six months and shall be entitled to claim that their past services under the District School Committee or District Committee, as the case may be, shall be reckoned as service under the Government for purposes of pension;

Provided that—

- (i) all officers, clerks and other servants employed by a District School Committee or a District Committee under any repealed Ordinance shall continue to officiate in their several capacities as officers, clerks and servants in the employment of the department on a new monthly contract of service terminable on a month's notice; and
- (ii) such officers, clerks and servants who may be discontinued within a period of six months from such date shall not be entitled to any gratuities, pensions or allowances save as prescribed by regulations; and
- (iii) such officers, clerks and servants who are not discontinued from service within the aforesaid period of six months shall be deemed to be employed by the department under this Ordinance on the expiration of

Provided, further, that in any case in which doubts shall arise—

- (i) as to the extent to which the property or funds or the rights, powers, duties, debts, liabilities or obligations of a District School Committee or a District Committee vest in the Government, or
- (ii) as to the terms of the contract of service of any officer, clerk or servant with a District School Committee or a District Committee,

the Director-General shall refer the matter if it is of the description referred to in paragraph (i) for the decision of the Minister, and if it is of the description referred to in paragraph (ii) for the decision of the Secretary to the Ministry, and the decision of the Minister or the Secretary to the Ministry, as the case may be, shall be final and binding upon all persons whomsoever.