

CHAPTER 383

UNIVERSITIES

Act No. 16 of 1978.

AN ACT TO ESTABLISH A UNIVERSITY GRANTS COMMISSION AND A UNIVERSITY SERVICES APPEALS BOARD; TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND ADMINISTRATION OF UNIVERSITIES WITH THEIR CAMPUSES AND FACULTIES, AND OTHER HIGHER EDUCATIONAL INSTITUTIONS; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Parts I, II, III, IV & XXI and Section 143 of Part XX — 22nd December, 1978.]
[All other Parts and all other Sections of Part XX — 1st January, 1979.]

Short title.

1. This Act may be cited as the Universities Act. (2) the apportionment to Higher Educational Institutions of the funds voted by Parliament in respect of university education, and the control of expenditure by each such Higher Educational Institution;

PART I

ESTABLISHMENT OF THE UNIVERSITY GRANTS COMMISSION

Establishment of a University Grants Commission.

2. (1) There shall be established a University Grants Commission (hereinafter referred to as "the Commission"), which shall consist of the persons who are for the time being members of the Commission under this Act.

(2) The Commission shall by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal and with full power and authority—

- (a) in such name to sue and be sued in all courts;
- (b) to alter the seal at its pleasure;
- (c) to acquire by way of purchase or otherwise, both movable and immovable property, and to hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of property, both movable and immovable.

Objects of the Commission.

3. The objects of the Commission shall be—

- (1) the planning and co-ordination of university education so as to conform to national policy;

- (3) the maintenance of academic standards in Higher Educational Institutions;
- (4) the regulation of the administration of Higher Educational Institutions ;
- (5) the regulation of the admission of students to each Higher Educational Institution; and
- (6) the exercise, performance and discharge of such powers, duties and functions as are conferred, or imposed on, or assigned to, the Commission by or under this Act.

4. (1) The Commission shall consist of a Chairman and four other members all of whom shall be appointed by the President. Constitution of the Commission.

(2) The Commission may, from time to time, appoint such Standing Committees and *ad hoc* Committees consisting of such number of members and with such powers, duties and functions as may be determined by the Commission, so however that the Chairman of each such Committee shall be a member of the Commission.

5. (1) Every member of the Commission, including the Chairman, shall, unless he vacates office earlier, hold office for a term of five years reckoned from the Terms of office of members of the Commission.

date of his appointment, and shall, unless removed from office, be eligible for reappointment;

Provided, however, that if any member vacates his office prior to the expiry of his term, his successor shall, unless such successor vacates his office earlier, hold office for the unexpired portion of the term of office of his predecessor.

(2) A member of the Commission may resign his office by writing under his hand addressed to the President, but shall continue in office until such time as his resignation has been accepted.

(3) If the Chairman, or other member of the Commission, is, by reason of illness or other infirmity or absence from Sri Lanka or other cause, temporarily unable to perform the duties of his office, the President may appoint another member to act for such Chairman, or a fit person to act in the place of such other member, as the case may be.

(4) The Chairman and other members of the Commission shall be paid such remuneration and allowances as the Minister shall, in consultation with the Minister in charge of the subject of Finance, determine.

6. (1) The Chairman of the Commission shall preside at all meetings of the Commission. In the absence of the Chairman from any meeting of the Commission, the members shall elect any member from among the members present, to preside at such meeting.

(2) The quorum for a meeting of the Commission shall be three members.

(3) The Commission shall meet as often as necessary, and in any case not less than once in each month, at such time and place as the Commission may determine, and shall, subject to the provisions of subsection (2), observe such rules of procedure in regard to the transaction of business as it may make under this Act.

7. (1) The Chairman of the Commission shall be the chief executive officer of the Commission.

(2) The Chairman of the Commission shall be in control of the day to day

administration of the affairs of the Commission.

(3) The Commission may, by resolution, delegate to the Chairman any of the powers, duties and functions conferred, imposed on or assigned to it under this Act, other than such powers, duties and functions under sections 15, 16 and 18.

(4) In the exercise, performance and discharge of the powers, duties and functions conferred or imposed on or assigned to him, or delegated to him, under this Act, the Chairman shall be subject to the general or special directions of the Commission.

(5) The Chairman shall, notwithstanding that he is the chief executive officer of the Commission, be deemed not to be a member of the staff of the Commission.

8. (1) The Commission shall appoint the staff of the Commission which shall consist of:—

- (a) a Secretary; and
- (b) such other officers and employees as the Commission may deem necessary for the proper and efficient conduct of its business.

(2) Subject to the other provisions of this Act, the Commission may—

- (a) appoint, dismiss and exercise disciplinary control over the staff of the Commission;
- (b) fix the wages or salaries or other remuneration of such staff;
- (c) determine the terms and conditions of service of such staff; and
- (d) establish and regulate welfare schemes for the benefit of the staff of the Commission and may make, to such schemes, contributions in respect of such staff.

9. (1) At the request of the Commission, any officer in the public service may, with the consent of that officer, the Secretary to the Ministry by or under which that officer is employed and the

Staff of the commission.

Proceedings of the Commission.

Chairman of the Commission.

Appointment of public officers to the staff of the Commission.

Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission with like consent, or be permanently appointed to such staff-

(2) Where any officer in the public service is temporarily appointed to the staff of the Commission, the provisions of subsections (3) and (5) of section 26 of the State Industrial Corporations Act, other than paragraph (a) of subsection (3) of section 26, shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of the Commission, the provisions of subsections (4) and (5) of section 26 of the State Industrial Corporations Act shall, *mutatis mutandis*, apply to and in relation to him.

(4) Where the Commission employs any person who has entered into any contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Commission by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(5) At the request of the Commission any officer or other employee of any Higher Educational Institution may, with the consent of that officer or employee and the principal executive officer of that Higher Educational Institution, be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission with like consent, or be permanently appointed to such staff, on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Commission and such principal executive officer.

(6) Where any officer or other employee of any Higher Educational Institution is temporarily appointed to the staff of the Commission, he shall be subject to the same

disciplinary control as any other member of such staff.

10. (1) The Commission shall have its own Fund. Fund of the Commission.

(2) There shall be paid into such Fund—

(a) all such sums of moneys as may be provided by Parliament for the use of the Commission;

(b) all such sums of money as may be received by the Commission by way of donations, gifts or grants from any source whatsoever and fees charged for services rendered by the Commission; and

(c) all such sums of money as are required to be paid into such Fund by or under this Act.

(3) There shall be paid out of such Fund—

(a) all sums of money required to defray any expenditure incurred by the Commission in the conduct of its business or in the exercise, performance and discharge of its powers, duties and functions under this Act, or any other written law; and

(b) all such sums of money as are required to be paid out of such Fund by or under this Act.

11. (1) The Commission shall cause its accounts to be kept in such form and manner as may be determined by the Treasury in consultation with the Auditor-General. Accounts of the Commission and financial year.

(2) The books of accounts of the Commission shall be kept at the office of the Commission.

(3) The financial year of the Commission shall be the same as the financial year of the Government.

12. (1) The Commission shall have its accounts audited each year by the Auditor-General. For the purpose of assisting him in Audit of the accounts of the Commission,

the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(2) For the purpose of meeting the expenditure incurred by him in auditing the accounts of the Commission, the Auditor-General shall be paid from the Fund of the Commission such remuneration as the Minister may, with the concurrence of the Minister in charge of the subject of Finance, determine. Any remuneration received from the Commission by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund.

(3) For the purpose of this section, the expression " qualified auditor " means—

- (a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute; or
- (b) a firm of Accountants each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute.

(4) The Auditor-General shall examine the accounts of the Commission and furnish a report—

- (a) stating whether he has or has not obtained all the information and explanations required by him;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the financial position of that Commission; and
- (c) drawing attention to any item in the accounts which in his opinion may be of interest to Parliament in any

examination of the activities and accounts of that Commission.

(5) The Auditor-General shall transmit his report to the Commission.

(6) The Auditor-General's report referred to in subsection (5) shall be considered by the Commission and the Commission shall, within three months of the transmission of such report to the Commission, inform the Auditor-General of the steps taken or proposed to be taken with regard to the matters pointed out in such report.

(7) The Commission shall, each year, within three months of the receipt by it of the Auditor-General's report, transmit such report together with any comments made thereon by the Commission under subsection (6) and the statement of accounts to which the report relates, to the Minister who shall cause copies thereof to be tabled in Parliament, before the end of the year next succeeding the year to which such accounts and report relate, and the Chairman of the Commission shall attend and answer any questions arising therefrom before the Public Accounts Committee of Parliament.

(8) The provisions of Article 154 of the Constitution shall apply to and in relation to the audit of the accounts of the Commission by the Auditor-General.

13. (1) No suit or prosecution shall lie—

- (a) against the Commission for any act which in good faith is done or purported to be done by the Commission under this Act, or any appropriate Instrument; or
- (b) against any member of the Commission or of the staff thereof for any act which in good faith is done or purported to be done by him under this Act or any appropriate Instrument, or on the direction of the Commission.

Protection for action taken under this Act, &c., or on the direction of the Commission.

(2) Any expense incurred by the Commission in any suit or prosecution brought by or against the Commission before any court shall be paid out of the Fund of the Commission, and any costs paid to, or recovered by, the Commission in any such suit or prosecution shall be credited to that Fund.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act or any appropriate Instrument, or on the direction of the Commission, shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Commission, unless such expense is recovered by him in such suit or prosecution.

(4) No writ against person or property shall issue against a member of the Commission in any action brought against the Commission.

PART II

POWERS, DUTIES AND FUNCTIONS OF THE UNIVERSITY GRANTS COMMISSION

Succeeding provisions of this Part not to prejudice the operation of certain other provisions.

14. The succeeding provisions of this Part shall be without prejudice to the operation of the provisions of any other Part of this Act which confers or imposes on or assigns to the Commission any power, duty or function.

Powers of the Commission.

15. The Commission shall have and exercise all or any of the following powers :—

- (i) to inquire into or investigate, from time to time, the financial needs of each Higher Educational Institution;
- (ii) to prepare, from time to time, in consultation with the governing authority of each Higher Educational Institution, triennial budgets for its maintenance and development, or for any other general or special purpose;
- (iii) to make recommendations, from time to time, to the Minister as to the nature and amount of grants, out of public funds, which it is desirable or necessary to make to each Higher Educational Institution;
- (iv) to determine, from time to time, within the overall wage and salary policies of the Government, the quantum of remuneration that should be paid to different grades of the staff of the Higher Educational Institutions and the nature and extent of the other benefits that the staff should receive;
- (v) to determine, in consultation with the governing authority of each Higher Educational Institution, the courses which shall be provided therein, and the degrees, diplomas, and other academic distinctions which shall be awarded ;
- (vi) to determine, from time to time, in consultation with the governing authority of each Higher Educational Institution, the total number of students which shall be admitted annually to each Higher Educational Institution and the apportionment of that number to the different courses of study therein;
- (vii) to select students for admission to each Higher Educational Institution, in consultation with an Admissions Committee whose composition, powers, duties and functions shall be prescribed by Ordinance;
- (viii) to determine in consultation with the governing authority of each University, the external examinations which it shall conduct for enabling those who are not students of the University or of any recognized institution, to obtain degrees, diplomas, and other academic distinctions of the University;

- (ix) to formulate schemes of recruitment and procedures for appointment of the staff of the Higher Educational Institutions;
- (x) to investigate or to cause investigation into such matters pertaining to the discipline of the students of any Higher Educational Institution, as may be brought to the notice of the Commission by the principal executive officer of that Higher Educational Institution, and to take remedial measures; and
- (xi) to do all such other acts or things as may be necessary for effectively exercising any of the powers specified by this Act and for the attainment of the objects set out in section 3.

respect of all or any of the following matters:—

- (a) all matters to be prescribed by Ordinance, in respect of which Ordinances are authorized or required to be made by the Commission by any other provision of this Act;
- (b) the terms and conditions of service of the staff of the Commission and of the Higher Educational Institutions;
- (c) the schemes of recruitment, and the procedures for appointment, to the staff of the Commission and of the Higher Educational Institutions;
- (d) the establishment and maintenance of standards of instruction in Higher Educational Institutions for the grant of degrees, diplomas, and other academic distinctions;
- (e) the co-ordination of facilities in and around Higher Educational Institutions;
- (f) the nature and scope of extension services which may be provided and organized by Higher Educational Institutions;
- (g) the recognition of foreign degrees and diplomas and other academic distinctions; and
- (h) any other matter connected with, or incidental to, any of the matters aforesaid.

Annual report of the Commission.

16. The Commission shall, before the expiry of a period of six months after the closure of each financial year of the Commission, transmit a report giving a full account of its activities during that year to the Minister who shall cause copies thereof to be tabled in Parliament. The Commission shall cause copies of that report to be made available for sale to the public at such price as may be determined by the Commission.

Power of the Commission to call for information and returns.

17. The Commission may by notice require the governing authority of any Higher Educational Institution to furnish to the Commission within such period as shall be specified in the notice, all such returns or information relating to all such matters as may be necessary to enable the Commission to effectively exercise, perform and discharge any of its powers, duties and functions under this Act, and it shall be the duty of that governing authority to comply with the requirements of such notice.

Power of the Commission to make Ordinances.

18. (1) The Commission may make Ordinances in respect of all such matters as it may deem necessary to enable it to effectively exercise, perform and discharge its powers, duties and functions under this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Commission may make Ordinances in

(3) Every Ordinance made by the Commission under this Act shall be published in the Gazette and shall come into operation on the date specified therein.

PART III

POWERS OF THE MINISTER

19. The Minister shall be responsible for the general direction of university education and the administration of this Act. Responsibility of Minister.

Power of the Minister to issue directions to the Commission.

20. (1) (a) The Minister may from time to time issue to the Commission such general written directions as he may deem necessary in pursuance of national policy in matters such as finance, university places and medium of instruction, to enable him to discharge effectively, his responsibility for university education and the administration of this Act. Every such direction shall as soon as possible be tabled in Parliament.

(b) The Commission shall comply with such directions and the governing authority of every Higher Educational Institution shall afford such facilities, and furnish such information, to the Commission or any member or officer thereof as may be necessary to enable the Commission to comply with such directions.

(2) (a) For the purpose of enabling him to discharge effectively his responsibility for university education and the administration of this Act, the Minister may from time to time, order all or any of the activities, or the administration, of any Higher Educational Institution to be investigated and reported upon by the Commission.

(b) The Commission shall comply with such order and the governing authority of any Higher Educational Institution to which that order relates shall afford such facilities and furnish such information, to the Commission or any member or officer thereof as may be necessary to enable the Commission to comply with any such order.

(3) Where the Minister is satisfied that the situation prevailing in a Higher Educational Institution is likely to endanger national security or is detrimental or prejudicial to national policy, he may direct the Commission to take all such steps as he may deem necessary to bring such situation under control.

(4) Where the Minister is satisfied that, due to any strike or lockout or any other cause, the work or administration of any Higher Educational Institution has been seriously dislocated and that the Authorities of such Higher Educational Institution have failed to restore normal conditions, the Minister may take all such measures as may be necessary to ensure the restoration of normal conditions in such Higher Educational Institution. Pending the restoration of normal conditions, the

Minister may, by Order published in the Gazette, make all such provisions as he may deem necessary in respect of all or any of the following matters relating to such Higher Educational Institution:—

- (a) the closure of such Higher Educational Institution;
- (b) the appointment of any person by name or by office, to be a competent authority for the purpose of exercising, performing or discharging, in lieu of any Officer, Authority or other body of such Higher Educational Institution, any power, duty or function under this Act or any appropriate Instrument, and
- (c) any other matter connected with or relating to any of the matters aforesaid.

(5) Any Order made by the Minister under subsection (4) shall come into force on such date as may be specified therein. Any such Order shall, as soon as possible thereafter, be tabled in Parliament and shall, unless earlier rescinded, remain in force for a period not exceeding three months thereafter.

PART IV

UNIVERSITIES, CAMPUSES AND UNIVERSITY COLLEGES

21. The Minister may, in consultation with the Commission, by an Order (hereinafter referred to as a "University Order")—

- (a) establish a University, which shall be a body corporate with perpetual succession and a common seal, for the purpose of providing, promoting and developing higher education in all such branches of learning as shall be specified in such order;
- (b) assign a name and style to such University;
- (c) specify the location or site which shall be the seat of such University;

Establishment of a University.

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- (d) assign a Faculty or Faculties to such University; and
- (e) specify the Departments of Study comprising such Faculty or Faculties.

Establishment of a Campus.

22. The Minister may, in consultation with the Commission, by an Order (hereinafter referred to as a " Campus Order ")—

- (a) establish a Campus of a University;
- (b) assign a name and style to such Campus;
- (c) specify the location or site of such Campus, being a location or site which shall not be the seat of the University to which the Campus will be attached;
- (d) assign a Faculty or Faculties to such Campus; and
- (e) specify the Departments of Study comprising such Faculty or Faculties.

Establishment of an Open University.

23. (1) The Minister may, in consultation with the Commission, by an Order (hereinafter referred to as an " Open university Order"),—

- (a) establish an Open University, which shall be a body corporate with perpetual succession and a common seal for the purpose of providing higher educational facilities to those who are not students of any of the institutions referred to in sections 21, 22, 24 and 25;
- (b) assign a name and style to such Open University; and
- (c) specify the location or site which shall be the seat of such Open University.

(2) The structure, powers, duties and functions of an Open University shall be prescribed by Ordinance.

24. The Minister may, in consultation with the Commission, by an Order (hereinafter referred to as a " University College Order ")—

Establishment of a University College.

- (a) establish a University College, which shall be a body corporate with perpetual succession and a common seal for the purpose of providing, promoting and developing higher education in all such branches of learning as shall be specified in such order;
- (b) assign a name and style to such College;
- (c) specify the location or site which shall be the seat of such College ;
- (d) assign a Faculty or Faculties to such College;
- (e) specify the Departments of Study comprising such Faculty or Faculties; and
- (f) specify the University or Universities to which such College shall be affiliated.

25. The Commission may, with the concurrence of the Minister and subject to such conditions as may be prescribed by Ordinance, recognize institutions for the purpose of providing courses of study approved for the examinations of a Higher Educational Institution.

Recognition of existing institutions for providing approved courses of study.

26. Every University Order, Campus Order, Open University Order and University College Order shall be published in the Gazette. Each such Order shall come into force on the date specified therein and shall, as soon as possible thereafter, be tabled in Parliament.

Every Order under sections 21, 22, 23 and 24 to be tabled in Parliament.

27. (1) A University Order, Campus Order, Open University Order or University College Order may, on the recommendation of the Commission, be amended, varied or revoked by the Minister.

Altering of Order, under sections 21, 22, 23 or 24.

(2) Every Order made under subsection (1) shall be published in the Gazette. Each such Order shall come into force on the date specified therein and shall, as soon as possible thereafter, be tabled in Parliament.

PART V

POWERS, DUTIES AND FUNCTIONS OF
A UNIVERSITY

University
Order and
general powers
of a University.

28. (1) Upon the coming into force of a University Order made under section 21, a University shall be deemed to have been established with the name and style assigned to it by that Order, and with full power and authority—

- (a) in such name, to sue and to be sued in all courts;
- (b) to alter the seal at its pleasure;
- (c) to acquire by way of purchase or otherwise, property, both movable and immovable, and to take, accept and hold any such property which may become vested in it by virtue of any such purchase, or by any grant or donation, lease, testamentary disposition or otherwise;
- (d) to sell, hypothecate, lease, exchange or otherwise dispose of any such property:

Provided, however, that any sale, hypothecation, lease, exchange or other disposition of any such property shall be invalid if the same is made in contravention of any restriction, condition or prohibition imposed by law or by any appropriate Instrument or Order, by which any such property was vested in the University ; and

- (e) to exercise, perform and discharge all such powers, duties and functions as may be conferred or imposed on, or assigned to, the University by this Act or any appropriate Instrument.

(2) The powers conferred on a University by the preceding provisions of this section shall, unless otherwise expressly provided by this Act or any appropriate Instrument, be exercised by its Council.

29. Subject to the powers, duties and functions of the Commission, a University shall have power—

Powers of a
University.

- (a) to admit students and to provide for instruction in any approved branch of learning;
- (b) to hold examinations for the purpose of ascertaining the persons who have acquired proficiency in different branches of learning;
- (c) to co-operate, by way of exchange of teachers, students and scholars or otherwise, with other Universities or institutions in Sri Lanka or abroad, having objects similar or substantially similar to those of the University;
- (d) to provide postgraduate courses, and for this purpose, to co-operate with other universities or authorities in Sri Lanka or abroad, in such manner and for such purposes as the University may determine;
- (e) to grant and confer degrees, diplomas and other academic distinctions to and on persons who have pursued approved courses of study in the University or in any recognized institution and who have passed the examinations of the University prescribed by By-law;
- (f) to conduct with the concurrence of the Commission, external examinations for enabling those who are not students of the University or of any recognized institution to obtain degrees, diplomas, and other academic distinctions of the University ;
- (g) to grant and to confer with the concurrence of the Commission, degrees, diplomas, and other academic distinctions, to and on persons who, not being students of the University or of any recognized institution, shall have passed the external examinations of the University;

- (h) to admit graduates or students of other Universities to equal or similar degrees and courses of study in the University on such conditions as may be prescribed by By-law and to register them as graduates or students of the University;
- (i) to confer honorary degrees or other academic distinctions on persons recommended by the Senate of the University and approved by the Council of such University;
- (j) to recognize the examinations passed and periods of learning or study pursued by persons seeking admission to, or by students of, the University at other universities or places of learning of university status as are equivalent to such examinations and periods of learning or study in the University, or such part thereof, as may be prescribed by By-law, and to withdraw such recognition at any time;
- (k) to erect, equip, and maintain for the purpose of the University, libraries, laboratories and other buildings whether for instructional or residential purposes;
- (l) to institute Professorships, Associate Professorships, Senior Lectureships or Lectureships, and other posts as may be required for the purposes of the University;
- (m) to institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (n) to regulate and provide for the residence, discipline and well-being of students and teachers, officers and other employees of the University;
- (o) to establish and manage halls of residence, to licence lodging-houses providing residential facilities to students and to provide such other services and facilities as may be necessary for the residence of students of the University ;
- (p) to assist students of the University to obtain loans from banks and other agencies in accordance with By-laws providing for the same;
- (q) to provide for extension services to the general public, including employees and school-leavers, in trades and industry and in accordance with any By-law providing for the same;
- (r) to make arrangements for conducting courses or parts of courses in educational institutions outside the University, in accordance with any By-law providing for the same;
- (s) to demand and receive fees in accordance with any Regulation providing for the same ; and
- (t) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

30. Subject to the provisions of sections 29 (c) and 31, a University shall be open to all persons of either sex and whatever race, creed or class, who are citizens of Sri Lanka, and other persons who are lawfully in Sri Lanka, and no test of religious belief or profession shall be adopted or imposed in order to entitle any such person to be admitted as a teacher or student of the University, or to hold any appointment therein or to graduate thereat or to hold, enjoy or exercise any advantage or privilege thereof.

Distinctions of race, creed, class or religion prohibited.

31. Nothing in the provisions of section 30 shall be deemed or construed to prevent religious instruction being given in a University in any manner which may be prescribed by By-law, to those willing to receive it, by persons approved for that purpose by its Council.

Certain restrictions on the application of section 30,

PART VI

THE CHANCELLOR AND THE OFFICERS OF UNIVERSITIES

The Chancellor.

32. The President shall nominate the Chancellor of each University. The Chancellor shall be the Head of the University, hold office for a period of five years reckoned from the date of his nomination, and shall, when present, preside at any meeting of the Court and at any Convocation of the University.

Officers of the University.

33. The Officers of a University shall be the following:—

- (i) the Vice-Chancellor;
- (ii) the Deputy Vice-Chancellor, if any;
- (iii) the Rector of each Campus, if any;
- (iv) the Dean of each Faculty;
- (v) the Registrar;
- (vi) the Librarian;
- (vii) the Bursar; and
- (viii) the holder of any other post declared by Ordinance to be a post, the holder of which is an Officer for the purpose of this section.

The Vice-Chancellor

34. (1) (a) Subject to the provisions of subsection (7) of this section, the Vice-Chancellor of a University shall be appointed by the Chancellor for a term of three years on being elected by the Court of that University. He shall not be eligible for reappointment as Vice-Chancellor of the same University unless re-elected after the expiry of a period of three years since the completion of his last term of office. The procedure for the election of a Vice-Chancellor shall be prescribed by Ordinance.

(b) The Vice-Chancellor of a University shall be removed from office by the Chancellor on a vote of censure passed by not less than two-thirds of the total membership of the Court, at a special meeting convened for the purpose.

(2) The Vice-Chancellor shall be a full-time officer of the University, and shall be the principal executive officer and principal academic officer thereof. He shall be an ex officio member of the Court, and an ex officio member and Chairman of both the Council and the Senate. In the absence of the Chancellor, the Vice-Chancellor shall preside at meetings of the Court. The Vice-Chancellor shall be entitled to convene, be present and speak at, any meeting of any other Authority of the University or other body, but shall not be entitled to vote at any such meeting unless he is a member of such other Authority or other body.

(3) It shall be the duty of the Vice-Chancellor, in accordance with such directions as may from time to time be lawfully issued to him in that behalf by the Council, to ensure that the provisions of this Act and of any appropriate Instrument are duly observed, and he shall have and may exercise all such powers as he may deem necessary for the purpose.

(4) Subject to the provisions of this Act, it shall be the duty of the Vice-Chancellor to give effect, or to ensure that effect is given, to the decisions of the Council and of the Senate.

(5) The Vice-Chancellor shall be the Accounting Officer of the University.

(6) The Vice-Chancellor shall be responsible for the maintenance of discipline within a University.

(7) The Vice-Chancellor shall, unless he vacates office earlier or is removed from office under subsection (1) (b) of this section, hold office for a term of three years, or until he has completed his sixty fifth year, whichever event occurs earlier.

(8) If the Vice-Chancellor, by reason of leave, illness, absence from Sri Lanka, or other cause, is temporarily unable to perform the duties of his office, the Commission shall, within seven days of the occurrence of such inability, make such arrangements as it may think fit for carrying on the duties of the office. Until such arrangements are made, the Registrar shall carry on the routine duties of the office.

(9) If any vacancy occurs in the office of Vice-Chancellor, the Commission shall, within seven days of the occurrence of such vacancy, make such arrangements as it may think fit for carrying on the duties of the office, until a permanent appointment is made under the preceding provisions of this section; and until such arrangements are made, the Registrar shall carry on the routine duties of the office.

The Deputy Vice-Chancellor.

35. The Council of a University may, at its discretion and with the prior approval of the Commission, appoint a Deputy Vice-Chancellor. The procedure for the appointment of a Deputy Vice-Chancellor and his powers, duties and functions shall be prescribed by Ordinance.

The Rector of a Campus.

36. (1) The Rector of a Campus shall be appointed by the Vice-Chancellor of the University to which such Campus is attached. He shall, unless he vacates office earlier, hold office for a period of three years reckoned from the date of his appointment and shall, unless removed from office, be eligible for re-appointment for a further period of three years immediately succeeding the aforesaid period.

(2) If the Rector, by reason of leave, illness, absence from Sri Lanka or other cause, is temporarily unable to perform the duties of his office, the Vice-Chancellor shall, within seven days of the occurrence of such inability, make such arrangements as he may think fit for carrying on the duties of the office. Until such arrangements are made, the Registrar shall carry on the routine duties of the office.

(3) The Rector shall be a full-time officer of the Campus and shall be the academic and administrative Head of the Campus.

(4) The Rector shall be the Chairman of the Campus Board.

(5) The Rector shall, subject to the general direction and control of the Vice-Chancellor, be responsible for the maintenance of discipline in the Campus.

The Registrar. **37.** (1) The Registrar of a University shall be appointed by the Council upon the recommendation of a Selection Committee,

the composition of which shall be prescribed by Ordinance. He shall be a full-time officer of that University and shall exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument.

(2) The Registrar shall be responsible for the custody of the records and the property of the University.

(3) The Registrar shall be the ex officio secretary of the Court, the Council and the Senate.

(4) The Registrar shall be the Assistant Accounting Officer of the University.

(5) The Registrar shall, subject to the direction and control of the Vice-Chancellor, be responsible for the general administration of the University and the disciplinary control of its non-academic staff.

38. (1) The Bursar of a University shall be appointed by the Council upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance. He shall be a full-time officer of that University and shall exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument. The Bursar.

(2) The Bursar shall, subject to the direction and control of the Registrar, be responsible for the administration of the finances of the University and maintain its accounts in such form and manner as may be prescribed by Ordinance. He shall have the custody of the funds of the University.

39. (1) The Librarian of a University shall be appointed by the Council upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance. He shall be a full-time officer of that University and shall exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument. The Librarian.

(2) The Librarian shall, subject to the direction and control of the Vice-Chancellor, be responsible for the administration of the library or libraries of the University.

PART VII

THE AUTHORITIES OF A UNIVERSITY

The Authorities of a University.

40. The Authorities of a University shall be the following:—

- (i) the Court;
- (ii) the Council;
- (iii) the Senate;
- (iv) the Campus Board or Boards, if any;
- (v) the Faculty or Faculties ; and
- (vi) such other bodies as may be prescribed by Ordinance to be such Authorities.

The Court.

41. (1) The Court of a University (hereinafter referred to as "the Court"), shall consist of the following persons :—

(a) Ex officio members:—

- (i) the Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Deputy Vice-Chancellor, if any;
- (iv) the members of the Council;
- (v) the Rector of each Campus, if any ; and
- (vi) the Dean of each Faculty.

(b) Elected members :—

- (i) one member from each Faculty elected from among members of the Faculty who are also members of the Senate;
- (ii) two members of the University teaching staff elected by all the

permanent teachers of the University who are not members of the Senate;

(iii) two members, one of whom shall be elected by the administrative staff, and the other, by the non-academic staff, of the University;

(vi) two students elected by the Students' Assembly of the University from among its own members;

(v) six Members of Parliament elected from among its Members; and

(vi) one member elected from among their members by each of eight professional and cultural institutions determined by the Commission from time to time.

(2) Each elected member shall hold office for a term not exceeding three years reckoned from the date of his election, but so long however only as he retains the status or membership by virtue of which he was eligible for election as a member of the Court.

42. (1) There shall be an Annual Meeting of the Court to be held on a date to be fixed by the Vice-Chancellor.

Meetings of the court.

(2) The Vice-Chancellor shall, whenever he thinks necessary, or within two weeks upon the receipt by him of a written requisition from not less than one-third of the total membership of the Court, convene a Special Meeting of the Court.

(3) The quorum for any meeting of the Court shall be one-third of its total membership.

(4) The members elected under section 41 (1) (b) (iv) shall be excluded from proceedings of any meeting of the Court relating to examinations and connected matters, and any such meeting shall, notwithstanding such exclusion, be deemed to have been duly held.

Powers, duties and functions of the Court.

43. Subject to the provisions of this Act, the Court shall exercise, perform and discharge the following powers, duties and functions;—

- (a) to make Statutes and by Statute to amend, add to, vary or repeal any Statute so made;
- (b) to elect the Vice-Chancellor and, if it thinks necessary, to recommend his removal to the Chancellor;
- (c) to consider and, if necessary, to amend or rescind By-laws made by the Council, without prejudice to anything previously done under such By-laws;
- (d) to consider and, if necessary, to amend or adopt the Annual Report and the Annual Accounts of the University:

Provided that no such amendment shall be made unless the opinion of the Council thereon has first been obtained ; and

- (e) to do any other act or to perform any other duty authorized or imposed upon the Court by this Act or by Order, Ordinance or Statute made under this Act.

The Council.

44. (1) The Council of a University (hereinafter referred to as " the Council"), shall be the executive body and governing authority of the University and shall consist of the following persons :—

- (i) the Vice-Chancellor;
- (ii) the Rector of each Campus, if any;
- (iii) the Dean of each Faculty;
- (iv) three members elected by the Senate from among its own members; and
- (v) such number of members as is equal to the total number of members under paragraphs (i), (ii), (iii) and (iv) above, increased by three. All such members shall be appointed by the Commission from among

persons who have rendered distinguished service in educational, professional, commercial, industrial, scientific or administrative spheres.

(2) The Chairman of the Council shall be the Vice-Chancellor who shall preside at all meetings of the Council. If the Chairman is unable to preside at a meeting, the members shall elect any member present to preside at such meeting.

(3) Subject to the provisions of subsection (4), any appointed member of the Council shall, unless he vacates office earlier, hold office for a term of three years reckoned from the date of his appointment, and shall, unless removed from office, be eligible for re-appointment:

Provided, however, that if any appointed member vacates his office prior to the expiry of his term, his successor shall, unless he vacates his office earlier, hold office for the unexpired portion of the term of office of his predecessor.

(4) An appointed member of the Council may resign his office by writing under his hand addressed to the Chairman of the Commission.

(5) An appointed member of the Council who, for whatever reason, absents himself from three consecutive meetings of the Council, shall be deemed to have vacated his office as a member of the Council and the Commission shall appoint a fit person to fill the resulting vacancy.

(6) A member of the Council shall not be entitled to any remuneration, but a member appointed under subsection (1) (v) may be paid such allowances as the Minister shall, in consultation with the Minister in charge of the subject of Finance, determine.

(7) The quorum for a meeting of the Council shall be one-third of its total membership.

(8) The Council shall meet whenever necessary so however that it meets on not less than ten occasions in each year.

(9) The Chairman of the Council shall, whenever he thinks necessary or within one week upon the receipt by him of a written requisition from not less than one-third the total membership of the Council, convene a Special Meeting of the Council.

Powers, duties and functions of the Council.

45. (1) Subject to the provisions of this Act, the Council shall exercise the powers and perform and discharge the duties and functions conferred or imposed on, or assigned to, the University.

(2) Without prejudice to the generality of the powers conferred upon it by subsection (1), the Council shall exercise, perform and discharge the following powers, duties and functions :—

- (i) to hold, control and administer the property and funds of the University;
- (ii) to select a coat of arms for the University, and to determine the form, to provide for the custody and to direct the use, of the common seal of the University ;
- (iii) to regulate and to determine all matters concerning the University in accordance with the provisions of this Act and of any appropriate Instrument;
- (iv) to administer any funds placed at the disposal of the University for specific purposes;
- (v) to receive and accept with the concurrence of the Commission, bequests, donations and grants of property to the University ;
- (vi) to consider the annual report and the annual accounts of the University, and to submit such report and such accounts to the Court and to the Commission;
- (vii) to prepare the financial estimates of the University and to submit such estimates to the Commission;
- (viii) to draft Statutes as and when it seems fit for any matter required by

this Act and to submit the same to the Court;

- (ix) to make By-laws for any matter in respect of which By-laws are authorized to be made ;
- (x) to make such Regulations as are not provided to be made by any other Authority of the University ;
- (xi) to provide the buildings, premises, furniture, equipment and other material needed for carrying on the work of the University;
- (xii) to appoint persons to, and to suspend, dismiss or otherwise punish persons in the employment of, the University:

Provided that, except in the case of Officers and teachers, these powers may be delegated to the Vice-Chancellor;

- (xiii) to appoint examiners, whether from the staff of the University or from elsewhere, after consideration of the recommendations of the Senate, and to determine any fees which may be paid to such examiners;
- (xiv) to appoint a Board of Welfare, which shall also include representatives of the students, for the promotion of the general well-being of the students of the University. The composition, powers, duties and functions of such Board shall be prescribed by Ordinance;
- (xv) to enter into, carry out or cancel contracts on behalf of the University, and to invest any moneys belonging to the University including any unapplied income, in any security in which, under the provisions of section 20 of the Trusts Ordinance or of any other written law, it is lawful to invest trust moneys; or, with the approval of the Commission, to invest any such moneys in the purchase of

- immovable property in Sri Lanka or vary such investments, or to place on fixed deposit in any bank approved by the Commission, any portion of such moneys not required for immediate expenditure;
- (xvi) to determine, after consultation with the Senate, the academic dress or insignia, or both, of the Chancellor, the Officers, the graduates and the students of the University;
- (xvii) to advise the Commission on—
- (a) to institution, abolition or suspension of Professorships, Associate Professorships, Lecturerships and any other academic post, in consultation with the Senate;
 - (b) the institution, abolition or suspension of any non-academic post; and
 - (c) the qualifications of teachers, officers and other employees of the University; and
- (xviii) to exercise all other powers of the University the exercise of which is not otherwise provided for in this Act or any appropriate Instrument:

Provided that no resolution shall be passed by the Council in relation to any academic matter unless the Senate has first been given an opportunity of recording and transmitting to the Council its opinion thereon.

In this section, "academic matter" means any matter which is subject to the control and general direction of the Senate.

The Senate.

46. (1) A University shall have a Senate which shall be the academic authority of the University.

(2) The Senate of a University shall consist of the following persons :—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor, if any;
- (c) the Rector of each Campus, if any ;
- (d) the Dean of each Faculty;
- (e) the Head of each Department of Study;
- (f) the Librarian; and
- (g) two teachers, other than those referred to in paragraphs (c), (d) and (e), elected by the permanent teachers of each Faculty from among their number.

(3) Each elected member shall hold office for a period of two years reckoned from the date of his election.

(4) The quorum for a meeting of the Senate shall be one-fourth of its total membership.

(5) The Senate shall have control and general direction of instruction, education, research and examinations in the University.

(6) Subject to the provisions of this Act and without prejudice to the generality of the powers conferred upon it by subsection (5), the Senate shall exercise, perform and discharge the following powers, duties and functions;—

- (i) to draft, after consideration of reports from the Faculty or the Faculties concerned. Regulations relating to courses of study and examinations, and to submit such drafts to the Council for approval;
- (ii) to recommend to the Council, after consideration of reports from the Faculty or Faculties concerned, the names of persons suitable for appointment as examiners;

- (iii) to recommend to the Council the institution, abolition or suspension of Professorships, Associate Professorships, Senior Lectureships, Lectureships, and other academic posts in the University;
- (iv) to recommend to the Council after consideration of reports from the Faculty or the Faculties concerned—
 - (a) schemes for the reorganization of existing Faculties and Departments of Study and the organization of new Faculties and Departments of Study; and
 - (b) the assignment of subjects of study to the respective Faculties;
- (v) to recommend to the Council the mode and conditions of competition for fellowships, scholarships, exhibitions, bursaries, medals and other prizes;
- (vi) to award fellowships, scholarships, exhibitions, bursaries, medals and other prizes on such conditions as may be approved by the Council;
- (vii) to appoint such number of Standing Committees, or *ad hoc* Committees or Boards of the Senate as it may deem fit, and in particular, but without prejudice to the generality of the preceding provisions of this subsection—
 - (a) a Library Committee;
 - (b) an Admissions Committee;
 - (c) a Research Committee ;
 - (d) a Curriculum and Evaluation Committee; and
 - (e) a Probationary Study Leave Committee,

and to specify their terms of reference; to consider their reports

and to either approve such reports, whether with or without modification, or to reject such reports; and

- (viii) to recommend to the Council requirements for the admission of students to courses of study.

47. (1) A Campus shall have a Board, The Campus Board. (hereinafter referred to as the " Campus Board"), whose composition shall be prescribed by Ordinance.

(2) The Campus Board shall be responsible—

- (i) for the internal administration of the Campus;
- (ii) for making arrangements for the general well-being of, and the provision of amenities for, persons attached to the Campus; and
- (iii) for the performance of any other duties as may be prescribed by Statute.

(3) The Campus Board may, with the approval of the Council, make Rules in respect of all matters relating or incidental to or connected with, the internal administration of the Campus.

48. (1) Each Faculty of a University Faculties of the University. shall consist of the following persons :

- (a) all Professors, Associate Professors, Senior Lecturers and Lecturers of the Departments of Study comprising the Faculty who have been confirmed in their appointments;
- (b) the Librarian or his nominee;
- (c) two members elected by the permanent Assistant Lecturers of the Faculty from among their number;
- (d) two members of the permanent staff imparting instructions in the Faculty, excluding those referred to in (a) and (c), elected from among their number;

- (e) two students elected by the students of the Faculty from among their number; and
- (f) three persons, not being members of the University, elected by the Faculty from among persons of eminence in the areas of study relevant to the Faculty.

(2) A member elected under paragraph (e) of subsection (1) shall hold office as a member for a period of one year, and any other elected member for a period of three years, reckoned from his date of election, and shall be eligible for re-election.

(3) Subject to the provisions of this Act, a Faculty shall exercise, perform and discharge the following powers, duties and functions—

- (i) to consider and report on any matter referred to it by the Senate;
- (ii) subject to the control of the Senate, to regulate matters connected with teaching, examinations and research in the Departments of Study in the Faculty;
- (iii) to present recommendations and reports to the Senate on all matters connected with the courses of study and examinations in the Faculty;
- (iv) to appoint committees, which may include persons other than members of the Faculty, for the purpose of considering and reporting on any special subject or subjects; and
- (v) to recommend to the Senate persons suitable for appointment as examiners.

(4) The members elected under paragraph (e) of subsection (1) shall be excluded from the proceedings of any meeting of the Faculty relating to examinations and connected matters, and any such meeting shall, notwithstanding such exclusion, be deemed to have been duly held.

49. (1) There shall be a Dean of each Faculty who shall be a full-time officer of the University and the academic and administrative Head of that Faculty. The Dean shall be elected by the Faculty from among the Heads of the Departments of Study comprising such Faculty, and shall, when so elected, cease to be the Head of the Department of Study concerned.

The Dean of the faculty.

(2) The Dean shall, subject to the provisions of any appropriate Instrument, hold office for a period of three years reckoned from the date of his election and shall, unless removed from office, be eligible for re-election.

(3) Where owing to leave of absence, illness or other cause, the Dean of a Faculty is temporarily unable to perform the duties of his office for a period not exceeding three months, the Vice-Chancellor shall appoint another Head of a Department of that Faculty to act in the post of Dean, for such period. Where however a Dean of a Faculty retires or resigns, or is for any other reason unable to perform the duties of his office for a period exceeding three months, the post of Dean of that Faculty shall be deemed to be vacant, and a new Dean shall be elected in accordance with subsection (1). The person so elected shall hold office for the unexpired portion of the term of office of his predecessor.

50. A University may, from time to time, make recommendations to the Commission as to the establishment of such Faculties and Departments of Study as it may deem necessary for developing its teaching, research and extension programmes.

University to make recommendations regarding Faculties.

51. (1) The Head of a Department of Study shall be a Professor, Associate Professor, Senior Lecturer or Lecturer appointed by the Council upon the recommendation of the Vice-Chancellor.

The Head of a Department of study.

(2) The Head of a Department shall, subject to the provisions of any appropriate Instrument, hold office for a period of three years reckoned from the date of his appointment and shall, unless removed from office, be eligible for reappointment.

(3) Where owing to leave of absence, illness, or other cause, the Head of a Department is temporarily unable to perform the duties of his office for a period not exceeding three months, the Vice-Chancellor shall appoint another Professor, Associate Professor, Senior Lecturer or Lecturer of that Department to act in the post of Head of Department for such period. Where however a Head of a Department retires or resigns, or is for other reason unable to perform the duties of his office for a period exceeding three months, the post of Head of Department shall be deemed to be vacant, and a new Head of Department shall be appointed in accordance with subsection (1). The person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

Constitution powers, duties and functions of bodies declared by the Commission to be Authorities to be prescribed.

52. The constitution, powers, duties and functions and the terms of membership, other than of ex officio membership, of such other bodies as shall be declared by the Commission to be Authorities of a University, shall be prescribed by Ordinance.

PART VIII

CONVOCATION OF A UNIVERSITY

Holding of a Convocation of a University.

53. (1) A University shall hold once in every year on such date or dates as may be approved by the Chancellor, a Convocation for the purpose of conferring degrees:

Provided that, a University may hold a Special Convocation at such other time as the Chancellor may determine;

Provided further that, first degrees may be conferred without the holding of a Convocation.

(2) The procedure of a Convocation shall be prescribed by By-law,

(3) The President shall, when present, preside at a Convocation. In his absence, the Chancellor shall preside at such Convocation, and in the absence of both the President and the Chancellor, the Vice-Chancellor shall so preside.

PART IX

OFFICERS AND AUTHORITIES OF A UNIVERSITY COLLEGE, AND THEIR POWERS, DUTIES AND FUNCTIONS

54. (1) Upon the coming into force of a University College Order under section 24, the University College established with the name and style assigned to it by that Order, and the Director and the members for the time being of the Board of Management and the Academic Syndicate shall have full power and authority by and in such name to do all the things a University is empowered or authorized to do under section 28 (1) of this Act.

University College Order and general powers of a University College.

(2) The powers conferred on a University College by the preceding provisions of this section shall, unless otherwise expressly provided, be exercised by its Board of Management,

55. Subject to the relevant University College Order, and the powers, duties and functions of the Commission, a University College shall have power—

Powers of a University College.

- (a) to admit students;
- (b) to provide for instruction in such branch or branches of learning as may with the concurrence of the Commission, be approved by the University or by any one of the Universities to which such College has been affiliated;
- (c) to conduct with the approval of each appropriate University, examinations for the purpose of ascertaining the persons who have acquired proficiency in such branch or branches of learning as have been with the concurrence of the Commission approved by such University, and to recommend to such University persons who, having passed such examinations and having satisfied such other conditions as such University may prescribe by By-laws, are eligible for the award of degrees, diplomas and other academic distinctions of such University;

- (d) to co-operate, by way of exchange of teachers, students and scholars or otherwise, with Universities or institutions in Sri Lanka or abroad having objects similar or substantially similar to those of the University College;
- (e) to erect, equip, and maintain for the purpose of the University College, libraries, laboratories and other buildings whether for instructional or residential purposes;
- (f) to institute Professorships, Associate Professorships, Senior Lecturerships or Lecturerships and other posts as may be required for the purposes of the University College;
- (g) to institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes;
- (h) to manage halls of residence, to license lodging-houses providing residential facilities to students and to provide such other services and facilities as may be necessary for the residence of students of the University College;
- (i) to regulate and provide for the residence, discipline and well-being of officers, teachers, students and employees of the University College;
- (j) to assist students of the University College to obtain loans from banks and other agencies and to frame appropriate By-laws for the purpose;
- (k) to demand and receive such fees as may from time to time be prescribed by Regulation; and
- (l) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University College:

provision of instruction or the conduct of examinations shall be done except with the prior approval of the University to which that University College is affiliated.

56. The Officers of a University College shall be the following: Officers of a University College.

- (1) the Director,
- (2) the Dean of each Faculty,
- (3) the Secretary,
- (4) the Librarian, and
- (5) the Treasurer.

57. (1) The first Director of a University College shall be appointed by the Minister. The Director.

(2) Every subsequent Director shall be appointed by the Commission from a panel of three persons recommended by the Board of Management of the University College. Where a member of the staff of a Higher Educational Institution is appointed Director, such Institution shall release the member of the staff so appointed to accept the post of Director.

(3) A Director shall, unless he vacates office earlier or is removed from office under subsection (4) of this section, hold office for a period of three years reckoned from the date of his appointment or until he completes his sixty-fifth year or until the University College is granted the status of a University by a University Order made under section 21, whichever event occurs earlier.

(4) A Director, not being the first Director appointed under subsection (1), shall be removed from office by the Chairman of the Commission on a vote of censure passed by not less than two-thirds of the total membership of the Board of Management, at a Special Meeting convened for the purpose.

(5) A Director who resigns or is removed from office or is unable to function as such by reason of the University College

Provided, however, that no such other act or thing affecting the

being granted the status of a University, may if he was a member of the staff of a Higher Educational Institution immediately prior to his appointment as Director, revert to his substantive post in such Higher Educational Institution, provided that he has not completed his sixty-fifth year.

Duties and functions of the Director.

58. (1) The Director shall be a full-time officer of the University College, and shall be the principal executive officer and the principal academic officer thereof. He shall be an ex officio member and Chairman of the Board of Management and the Academic Syndicate, and shall convene all meetings of the Board of Management and of the Academic Syndicate. He shall be entitled to convene, be present and speak at, any meeting of any other Authority or body of the University College, but shall not be entitled to vote at any such meeting unless he is a member of such other Authority or body.

(2) It shall be the duty of the Director, in accordance with such directions as may from time to time be lawfully issued to him in that behalf by the Board of Management, to ensure that the provisions of this Act and of any appropriate Instrument are duly observed, and he shall have and may exercise all such powers as he may deem necessary for the purpose.

(3) It shall be the duty of the Director to give effect, or to ensure that effect is given, to the decisions of the Board of Management and of the Academic Syndicate.

(4) The Director shall be the Accounting Officer of the University College.

(5) The Director shall be responsible for the maintenance of discipline within the University College.

(6) If the Director, by reason of leave, illness, absence from Sri Lanka, or other cause, is temporarily unable to perform the duties of his office, the Commission shall, within seven days of the occurrence of such inability, make such arrangements as it may think fit for carrying on the duties of the office. Until such arrangements are made, the Secretary shall carry on the routine duties of the office.

(7) If any vacancy occurs in the office of director, the Commission shall, within seven days of the occurrence of such vacancy, make such arrangements as it may think fit for carrying on the duties of the office, until a permanent appointment is made under section 57 (2). Until such arrangements are made, the Secretary shall carry on the routine duties of the office.

59. (1) The Secretary of a University College shall be appointed by the Board of Management upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance. He shall be a full time officer of the University College, and shall exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument. The Secretary.

(2) The Secretary shall be responsible for the custody of the records and the property of the University College.

(3) The Secretary shall be the ex officio secretary of the Board of Management and the Academic Syndicate.

(4) The Secretary shall be the Assistant Accounting Officer of the University College.

(5) The Secretary shall, subject to the direction and control of the Director, be responsible for the general administration of the University College and the disciplinary control of its non-academic staff.

60. (1) The Librarian of a University College shall be appointed by the Board of Management upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance. He shall be a full time officer of the University College, and shall exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument. The Librarian.

(2) The Librarian shall, subject to the direction and control of the Director, be responsible for the administration of the library or the libraries of the University College.

The Treasurer. **61.** (1) The Treasurer of a University College shall be appointed by the Board of Management upon the recommendation of a Selection Committee, the composition of which shall be prescribed by Ordinance. He shall be a full time officer of the University College, and shall exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act or by any appropriate Instrument.

(2) The Treasurer shall, subject to the direction and control of the Secretary, be responsible for the administration of the finances of the University College and maintain its accounts in such form and manner as may be prescribed by ordinance. He shall have the custody of the funds of the University College.

The Authorities of a University College.

62. The Authorities of a University College shall be the following:—

- (1) the Board of Management;
- (2) the Academic Syndicate;
- (3) the Faculty or Faculties; and
- (4) such other bodies as may be prescribed by Ordinance to be such Authorities.

The Board of Management,

63. (1) The Board of Management (hereinafter referred to as "the Board") shall consist of the following persons:—

- (i) the Director;
- (ii) the Dean of each Faculty ; and
- (iii) such number of members as is equal to the total number of members under paragraphs (i) and (ii) increased by three, appointed by the Commission from among persons who have rendered distinguished service in educational, professional, commercial, industrial, scientific or administrative spheres.

(2) The provisions of subsection (2), (3), (4), (5), (6), (7), (8) and (9) of section 44 of this Act shall apply to the Board, subject to

the modification that there shall be substituted—

- (a) for the expression " Vice-Chancellor ", the expression " Director ";
- (b) for the expression " Council", the expression "Board of Management",

wherever those expressions appear in those subsections.

(3) Subject to the provisions of this Act, the Board shall exercise, perform and discharge the powers, duties and functions conferred or imposed on or assigned to the Council of a University by section 45 of this Act, subject to the following modifications;—

- (a) there shall be substituted—
 - (i) for the expression "Council", the expression " Board ";
 - (ii) for the expression " University ", the expression " University College "; and
 - (iii) for the expression " Senate ", the expression " Academic Syndicate ",

wherever these expressions appear in that section; and

- (b) by the omission of—
 - (i) any reference to the Court, in that section; and
 - (ii) paragraphs (viii) and (xvi) of subsection (2) of that section.

64. (1) The Academic Syndicate shall consist of the following persons :— The Academic Syndicate.

- (a) the Director,
- (b) the Dean of each Faculty,
- (c) the Head of each Department of Study,
- (d) the Librarian,

- (e) two representatives nominated from among its members, by the Senate of each University to which the University College has been affiliated, and
- (f) two members, not being persons referred to in paragraphs (b) and (c), elected by the permanent teachers of each Faculty from among their number.

(2) Each nominated or elected member shall hold office as a member for a period of two years reckoned from the date of his nomination or election, as the case may be.

(3) The quorum for a meeting of the Academic Syndicate shall be one-fourth its total membership.

(4) Subject to the provisions of this Act, the Academic Syndicate shall exercise, perform and discharge the powers, duties and functions, conferred or imposed on or assigned to the Senate of a University by section 46 of this Act, subject to the following modifications:—

There shall be substituted—

- (i) for subsection (5) of that section, the following subsection:—
 - "(5) The Academic Syndicate shall, with the concurrence of each appropriate University have control and general direction of instruction, education, research and examinations in the University College";
- (ii) in subsection (6), in paragraph (i) thereof, for the expression "or the Faculties concerned", the expression "or the Faculties concerned and with the concurrence of each appropriate University";
- (iii) for the expression "Council", the expression "Board";
- (iv) for the expression "University", the expression "University College"; and

- (v) for the expression "Senate", the expression "Academic Syndicate".

65. (1) A University College shall have such Faculty or such number of Faculties as may be specified in the relevant University College Order.

(2) Each Faculty shall consist of the following persons:—

- (a) all Professors, Associate Professors, Senior Lecturers and Lecturers of the Departments of Study comprising the Faculty who have been confirmed in their appointments;
- (b) the Librarian or his nominee;
- (c) three representatives, nominated from among its ex officio members, by the corresponding Faculty of each University to which the University College has been affiliated;
- (d) one member, elected from among their number by the permanent Assistant Lecturers of the Faculty;
- (e) one member of the permanent staff imparting instruction in the Faculty, excluding those referred to in paragraphs (a) and (d), elected from among their number; and
- (f) two students elected by the students of the Faculty, from among their own number.

(3) The members elected under paragraph (f) of subsection (2) shall be excluded from the proceedings of any meeting relating to examinations and connected matters, and any such meeting shall, notwithstanding such exclusion, be deemed to have been duly held.

(4) Each nominated member shall hold office for a period of two years and each elected member for a period of one year reckoned from the date of his nomination or election, as the case may be,

(5) A Faculty of a University College shall exercise, perform and discharge the powers, duties and functions conferred or

imposed on or assigned to the Faculty of a University by section 48 (3) of this Act, subject to the modification that there shall be substituted for the expression " Senate ", the expression " Academic Syndicate", wherever that expression appears in that section.

Section 49 to apply, *mutatis mutandis*, to Dean of Faculty.

66. The provisions of section 49 shall, *mutatis mutandis*, apply to and in relation to the Dean of each Faculty of a University College.

Recommendation of establishment of Faculties and Departments of Study.

67. A University College may from time to time make recommendations to the Commission as to the establishment of such Faculties and Departments of Study as it may deem necessary for developing its teaching, research and extension programmes.

Section 51 to apply, *mutatis mutandis*, to the Head of each Department of Study.

68. The provisions of section 51 shall, *mutatis mutandis*, apply to and in relation to the Head of each Department of Study of a University College.

Sections 135, 136 and 137 to apply, *mutatis mutandis*, to Academic Syndicate, &c.

69. Subject to the provisions of this Act, the provisions of sections 135, 136 and 137 shall, *mutatis mutandis*, apply to and in relation to the Board, the Academic Syndicate and any other Authority or other body of a University College respectively :

Provided, however, that no By-law or Regulation pertaining to an academic matter shall be made except with the concurrence of the appropriate University.

interpretation.

70. For the purposes of this Part—

" academic matter" means any matter which is subject to the control and general direction of the Academic Syndicate; and

" appropriate University" means the University to which a University College has been affiliated for the purpose of providing instruction or conducting examinations prescribed for a degree, diploma or other academic distinction of such University.

PART X

APPOINTMENTS TO THE STAFF

71. (1) Subject to the provisions of subsection (2), every appointment to the staff of a Higher Educational Institution shall be made by the governing authority of such Institution, in accordance with the schemes of recruitment and the procedures for appointment prescribed by Ordinance.

Appointments to staff to be made by the governing authority.

(2) The Commission shall, in accordance with the schemes of recruitment and the procedures for appointment prescribed by Ordinance, make the following appointments to the staff of a Higher Educational Institution—

- (i) appointment to a post of officer, except where other provision has been specifically made under this Act in respect of that post;
- (ii) appointment to a post other than that of teacher, carrying an initial salary of not less than rupees nine thousand per annum or such other higher initial salary as the Commission may from time to time determine by Ordinance ; and
- (iii) appointment to such posts as may be prescribed by Ordinance, other than posts of teacher, involving the promotion of the appointee from one grade or class of post to another.

72. Every appointment to a post of teacher shall, in the first instance, be for a probationary period of three years, which period may be extended by the governing authority of the Higher Educational Institution to which such teacher is attached, by one year at a time for a further period not exceeding three years. Such appointment shall be subject to such requirement or conditions as to confirmation as may be provided in the appropriate schemes of recruitment prescribed by Ordinance.

Appointment to Post of teacher.

73. The holder of a post of teacher, who has been confirmed in his post, shall continue in that post until he has completed

Retirement of teachers.

his sixty-fifth year or if he completes his sixty-fifth year in the course of an academic year, until the last day of such academic year, and shall thereafter be deemed to have retired from service;

Provided, however, that the holder of any such post may, at any time, be suspended, pending an inquiry by the governing authority of the Higher Educational Institution to which such teacher is attached, for misconduct, inefficiency or dereliction of duty or be dismissed or compulsorily retired, if found guilty after such inquiry, on a resolution adopted by such governing authority.

Appointment to a post other than that of teacher.

74. Every appointment to a post, other than that of teacher, shall in the first instance, be for a probationary period of three years, and shall thereafter be subject to confirmation by the Commission or by the governing authority of the Higher Educational Institution to which such appointment relates.

Retirement of persons other than teachers.

75. The holder of any post, other than that of teacher, shall continue in office until he completes his fifty-fifth year, and shall thereafter be deemed to have voluntarily retired from service:

Provided, however, that the holder of any such post may upon a written request made by him, be given by the Commission or by the governing authority of the Higher Educational Institution to which he is attached, extension of service for a period of one year at a time until he completes his sixtieth year, and shall thereafter be deemed to have retired.

Provided further that the holder of any such post may, at any time, be suspended, pending an inquiry by the Commission or by the governing authority of the Higher Educational Institution to which he is attached, as the case may be, for misconduct, inefficiency or dereliction of duty or be dismissed or compulsorily retired, if found guilty after such inquiry, on a resolution adopted by such Commission or governing authority.

76. Every holder of a post in the Commission or a Higher Educational Institution, who is dismissed or is compulsorily retired from his post or is otherwise punished for misconduct, inefficiency or dereliction of duty, may appeal against such dismissal or retirement or other punishment to the University Services Appeals Board whose decision thereon shall be final.

Appeal against dismissal, compulsory retirement or other punishment.

77. (1) At the request of a Higher Educational Institution, an officer in the Public Service may, with the consent of that officer, the Secretary to the Ministry by or under which that officer is employed, and the Secretary to the Ministry charged with the subject of Public Administration, be temporarily appointed to the staff of that Higher Educational Institution for such period as may be determined by such Institution with like consent, or be permanently appointed to such staff.

Appointment of public officers and Local Government officers to the staff of a Higher Educational Institution.

(2) Where any officer in the public service is temporarily appointed to the staff of a Higher Educational Institution, the provisions of subsections (3) and (5) of section 26 of the State Industrial Corporations Act, other than paragraph (a) of subsection (3) of section 26, shall, *mutatis mutandis*, apply to and in relation to him.

(3) Where any officer in the public service is permanently appointed to the staff of a Higher Educational Institution, the provisions of subsections (4) and (5) of section 26 of the State Industrial Corporations Act shall, *mutatis mutandis*, apply to and in relation to him.

(4) At the request of a Higher Educational Institution, an officer or servant of the Local Government Service or any local authority may, with the consent of that officer or servant and the Local Government Service Advisory Board or authority, as the case may be, be temporarily appointed to the staff of that Higher Educational Institution for such period as may be determined by that Institution with like consent or be permanently appointed to such staff, on such terms and conditions including those relating to pension or provident fund rights, as may be agreed upon by that Higher

Educational Institution and the Local Government Service Advisory Board or authority.

successor vacates his office earlier, hold office for the unexpired portion of the term of office of his predecessor.

(5) Where a Higher Educational Institution employs any 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 that Higher Educational Institution by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(2) A member of the Appeals Board may resign his office by writing under his hand addressed to the Minister, but shall continue in office until such time as his resignation has been accepted.

(3) If any member of the Appeals Board is, by reason of illness or other infirmity or absence from Sri Lanka or other cause, temporarily unable to perform the duties of his office, the Minister may appoint a fit person to act in the place of such member.

Transfers.

78. The holder of any post other than that of teacher, shall be transferable within the Higher Educational Institutions, from a Higher Educational Institution to the Commission or from the Commission to a Higher Educational Institution. Such transfers shall be made by the Commission which may for this purpose appoint a Transfer Board, the composition of which shall be prescribed by Ordinance.

(4) The Chairman and the other members of the Appeals Board shall be paid such remuneration or allowances as the Minister shall, in consultation with the Minister in charge of the subject of Finance, determine.

Interpretation.

79. In this Part "teacher" shall be deemed to include Librarian, Deputy Librarian and Assistant Librarian.

83. (1) The Chairman, and in his absence the Vice-Chairman, of the Appeals Board shall preside at all meetings of such Board. Proceedings of the Appeals Board.

(2) The quorum for a meeting of the Appeals Board shall be two members.

PART XI

UNIVERSITY SERVICES APPEALS BOARD

Establishment of the University Services Appeals Board.

80. There shall be established a University Services Appeals Board, (hereinafter referred to as the " Appeals Board "), which shall consist of the persons who are for the time being members of the Appeals Board under this Act.

(3) The procedure for the conduct of business at meetings of the Appeals Board shall be prescribed by Rules made by such Board.

Members of the Appeals Board.

81. The Appeals Board shall consist of a Chairman, a Vice-Chairman and another member, all of whom shall be appointed by the Minister.

84. (1) The staff of the Appeals Board shall consist of a Secretary and such other officers and employees as such Board may deem necessary for the proper and efficient conduct of its business, all of whom shall be provided by the Commission, from its staff or from the staff of any Higher Educational Institution. Staff of the Appeals Board.

Term of office of the members of the Appeals Board.

82. (1) Every member of the Appeals Board, including the Chairman, shall, unless he vacates office earlier, hold office for a term of five years reckoned from the date of his appointment, and unless removed from office, be eligible for re-appointment:

(2) The staff of the Appeals Board shall be subject to the disciplinary control of that Board.

(3) It shall be the duty of the Commission—

Provided, however, that if any member vacates his office prior to the expiry of his term, his successor shall, unless such

(a) to make payments to the members of the Appeals Board as determined under section 82 (4);

- (b) to pay the salaries and wages of the staff of the Appeals Board ; and
- (c) to provide such other facilities as the Board may require for the efficient exercise, performance and discharge of its powers, duties and functions.

Protection for action taken under this Act, &c., or on the direction of the Board.

85. (1) No suit or prosecution shall lie—

- (a) against the Appeals Board for any act which in good faith is done or purported to be done by the Appeals Board under this Act, or any appropriate Instrument; or
- (b) against any member of the Appeals Board or of the staff thereof for any act which in good faith is done or purported to be done by him under this Act or any appropriate Instrument, or on the direction of the Appeals Board.

(2) Any expense incurred by the Appeals Board in any suit or prosecution brought by or against the Appeals Board before any court shall be paid out of the Fund of the Commission and any costs paid to, or recovered by, the Appeals Board in any such suit or prosecution shall be credited to that Fund.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act or any appropriate Instrument, or on the direction of the Appeals Board, shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Commission, unless such expense is recovered by him in such suit or prosecution.

(4) No writ against person or property shall issue against a member of the Appeals Board in any action brought against the Appeals Board.

Powers, duties and functions of the Appeals Board.

86. The Appeals Board shall have and may exercise the following powers, duties and functions:—

- (a) to conduct investigations into appointments and promotions alleged to have been made to the

staff of the Commission and to Higher Educational Institutions in contravention of the schemes of recruitment and the procedures for appointment in force at the time such appointments or promotions were made;

- (b) to consider appeals from employees of the Commission or any Higher Educational Institution, who have been dismissed, compulsorily retired, or otherwise punished against such dismissal, compulsory retirement or other punishment;

- (c) to consider appeals from employees of the Commission who were employees of the old University or any Higher Educational Institution, relating to compensation payable to employees of the old University under section 142 of this Act; and

- (d) to convey to the Chairman of the Commission or the governing authority of the Higher Educational Institution concerned, as the case may be, the decisions arrived at after considering such appeals or conducting such investigations.

87. A decision made by the Appeals Board in the exercise, performance and discharge of its powers, duties and functions under section 86 shall be final, and where remedial action has to be taken in consequence of such a decision, the Chairman of the Commission or the governing authority of the Higher Educational Institution concerned, as the case may be, shall implement such decision.

A decision of the Appeals Board to be final.

88. The Appeals Board may make Ordinances in respect of all such matters as it may deem necessary to enable it to effectively exercise, perform and discharge its powers, duties and functions under this Act.

Power of the Appeals Board to make Ordinances.

PART XII

UNIVERSITIES PROVIDENT FUND

Interpretation of this Part of this Act.

89. In this Part of this Act—

"age of retirement" in relation to a contributor—

- (a) who is the holder of a post of teacher in a Higher Educational Institution, means sixty-five years ; and
- (b) who is the holder of any other post in a Higher Educational Institution or a member of the staff of the Commission, means the age at which he ceases to be in the employment of such Higher Educational Institution or the Commission, as the case may be;

" contributor " means any member of the staff of the Commission or a Higher Educational Institution who is a contributor to the provident fund ;

" earnings " means earnings as defined in the Employees' Provident Fund Act;

" Fund " in relation to—

- (a) the Commission means the Fund of the Commission established under section 10 of this Act; and
- (b) a Higher Educational Institution means the University Fund established under section 99 of this Act;

" provident fund " means the provident fund established by the Commission under this Part of this Act;

"salary" means the emoluments of the substantive post -or appointment held by any contributor and includes any such allowances as may by Ordinance be declared to constitute part of his salary; and

" teacher" includes Librarian, Deputy Librarian and Assistant Librarian.

90. The Commission shall establish a fund which shall be called and known as the Universities Provident Fund.

Establishment of the Universities Provident Fund.

91. Ordinances may be made by the Commission for the regulation, administration and management of the provident fund and for all matters incidental to or connected with such fund, for which no express provision is made in this Act, and such Ordinances shall conform to the requirements of the Employees' Provident Fund Act.

Regulation of the Provident Fund.

92. (1) Every member of the staff of the Commission or a Higher Educational Institution, except in such cases as may be prescribed by Ordinance, shall, from the date of his employment on such staff, contribute to the provident fund by means of equal monthly deductions from his salary, an amount equal to ten *per centum* of his earnings; and the Commission or the Higher Educational Institution shall, in addition, out of its Fund, at the same time contribute to the provident fund in respect of every contributor, a sum equal to fifteen *per centum* of the earnings of that contributor, or such other sum as the Minister may, in consultation with the Minister in charge of the subject of Finance, determine.

Contributions to the Provident fund

(2) The Secretary of the Commission shall open and keep a general account for the provident fund and a separate account in respect of each contributor to that provident fund. All contributions made by a contributor to the provident fund and all contributions made by the Commission or the Higher Educational Institution to the provident fund in respect of that contributor shall be placed to the credit of a separate account of that contributor in the provident fund.

(3) The amount lying to the credit of the account of a contributor shall, subject to the provisions of any Ordinance made in that behalf, accumulate at compound interest at a rate to be fixed by the Minister in consultation with the Minister in charge of the subject of Finance until the day on which that contributor ceases to be in the

employment of the Commission or the Higher Educational Institution and the account of that contributor shall be closed on that date.

Payment out of the provident fund.

93. (1) When the account of any contributor is closed as provided in section 92 (3), the Secretary of the Commission shall, subject to the provisions of section 94, pay to that contributor the full amount lying to the credit of his account in the provident fund, together with the accumulated interest thereon.

(2) Where a contributor, before he has completed his age of retirement, ceases to be employed by the Commission or a Higher Educational Institution either on account of ill health or incapacity or on account of the abolition of the post in which he is employed, or voluntarily leaves the service of such Commission or Higher Educational Institution, the Secretary of the Commission shall, subject to the provisions of section 94, pay to that contributor the full amount lying to the credit of his account in the provident fund together with the accumulated interest thereon at the date on which he ceased to be so employed, or on the date on which he voluntarily left the service of such Commission or Higher Educational Institution, as the case may be.

(3) Where a contributor, before he has completed his age of retirement, is dismissed or compulsorily retired from the service of the Commission or a Higher Educational Institution, the Secretary of the Commission shall, subject to the provisions of section 94, pay to the contributor the full amount lying to the credit of his account in the provident fund, together with the accumulated interest thereon, up to the date of his dismissal or compulsory retirement, as the case may be.

(4) Where a contributor dies while in the service of the Commission or a Higher Educational Institution, the Secretary of the Commission shall, subject to the provisions of section 94, pay the full amount lying to the credit of his account in the provident fund, together with the accumulated interest thereon, to the estate of the deceased contributor or to the person or persons lawfully entitled to such amount.

94. Notwithstanding anything in the preceding provisions of this Part and without prejudice to any other right or remedy, the amount of any loss or damage sustained by the Commission or a Higher Educational Institution by reason of the dishonesty or negligence of a contributor at any time during the period of his employment by such Commission or Higher Educational Institution and payments due on any loan taken by the contributor from the Commission or a Higher Educational Institution or the Government, as the case may be, shall be a first charge upon the amount lying to the credit of the account of that contributor in the provident fund; and such amount may be deducted at the time when any payment is made in accordance with the provisions of section 93.

Deductions prior to payment from the provident fund.

95. Notwithstanding anything in the preceding provisions of this Part and without prejudice to any other right or remedy, where the full amount lying to the credit of a contributor in the provident fund is not paid to him within a period of three months from the date on which his account was closed, the amount lying to his credit shall accumulate compound interest at such rate as determined for the purpose of section 92 (3) up to the last day of the month preceding that in which the full amount lying to the credit of his account is paid:

Unpaid provident fund to accumulate compound interest in certain cases.

Provided that such interest shall not be paid in cases where the delay in the payment of such amount to such contributor was due to any fault of the contributor.

96. Notwithstanding anything in , any written law other than this Act, the moneys lying to the credit of a contributor in the provident fund shall not at any time be attached, sequestered or seized in execution of the decree or process of any court.

Certain assets of contributor exempt from seizure in execution.

97. The Minister may, in consultation with the Minister in charge of the subject of Finance, establish a pension scheme and a widows' and orphans' pension fund as an alternative, or in addition, to the provident fund established by the Commission under this Part. Ordinances may be made by the Commission for the regulation, administration and management of such pension scheme and such widows' and orphans' pension fund.

Establishment of pension scheme and widows' and orphans' pension fund.

PART XIII

FINANCIAL PROVISIONS

Financial year.

98. The financial year of a Higher Educational Institution shall be the same as the financial year of the Government.

The University Fund.

99. (1) Each Higher Educational Institution shall have a fund to be called the University Fund, into which shall be paid—

- (a) fees to be paid to the Higher Educational Institution in accordance with the provisions of any appropriate Instrument;
- (b) income from endowments;
- (c) moneys provided by Parliament and disbursed by the Commission as grants in aid of Higher Educational Institutions; and
- (d) all other moneys belonging to the Higher Educational Institution from whatsoever source derived.

(2) Particulars of each sum of money paid into the University Fund shall within one month of such payment be submitted by the principal executive officer of the Higher Educational Institution concerned to the Commission for its information.

Grants in aid of Higher Educational Institutions.

100. (1) The Deputy Secretary to the Treasury shall, as soon as may be practicable after the commencement of each financial year, pay to a Higher Educational Institution such sums of money as may be provided by Parliament by way of annual appropriation, supplementary vote or otherwise as a grant or grants in aid of such Higher Educational Institution.

(2) All moneys paid to a Higher Educational Institution under the preceding subsection shall be applied or expended by such Higher Educational Institution for all or any of the purposes authorized by this Act or any appropriate Instrument.

101. It shall be the duty of the Bursar of a University or Open University or the Treasurer of a University College, as the case may be—

- (a) to keep the accounts of such University, Open University or University College in such form and manner as may be prescribed by Ordinance;
- (b) to receive all moneys paid into the University Fund and to credit such moneys to the proper heads of accounts;
- (c) to make all authorized payments; and
- (d) to prepare for the governing authority such triennial estimates as are required by the Commission, the annual financial appropriations of the ensuing financial year, and any supplementary estimate under section 105 :

Provided, however, that income derived from grants made for specific purposes or from endowments for specific objects, shall be separately accounted for in the accounts of the University, Open University or University College, as the case may be, and that no payment shall be made from such income for the general purposes of such University, Open University or University College, or for any purposes or objects other than those for which such grants or endowments were respectively made.

102. The triennial estimates and the annual appropriations of a University, Open University or University College, as the case may be, prepared under paragraph (d) of section 101 shall be considered by the governing authority before such date as may be prescribed by Ordinance. Such governing authority may make such alterations in such estimates and appropriations as it thinks fit and shall submit them to the Commission together with the accounts of the University, Open

Governing authority to consider triennial estimates and annual appropriations.

University or University College, as the case may be, for the last completed financial year.

The Commission to consider triennial estimates and annual appropriations.

103. The triennial estimates and annual appropriations of a University, Open University or University College, as the case may be, and its annual accounts shall be considered by the Commission, and it shall be lawful for the Commission by resolution, to adopt or amend such estimates and appropriations as it thinks fit.

Transfer of moneys.

104. The Commission shall return the triennial estimates and annual appropriations of a University, Open University or University College, as the case may be, to the governing authority of that University, Open University or University College, together with any resolutions passed under the preceding section and that governing authority shall thereupon accept such estimates and appropriations as adopted or amended by the Commission:

Provided, however, that subject to the provisions of subsection (2) of section 100, such governing authority may, with the concurrence of the Commission, transfer moneys assigned under one head of expenditure to any other head ;

Provided further, that every such transfer shall be reported by the principal executive officer of that University, Open University or University College, as the case may be, to the Commission as soon as possible thereafter.

Supplementary estimates.

105. In case of necessity and in order to meet unforeseen expenditure, it shall at any time be lawful for the Bursar of a University or Open University or the Treasurer of a University College, as the case may be, to prepare supplementary estimates of expenditure and for the governing authority of that University, Open University or University College, to pass such estimates :

Provided, however, that such supplementary estimates shall be forwarded to the Commission to be submitted to the Minister together with the annual appropriations for the ensuing year;

Provided further, that such supplementary estimates shall not exceed

the grant voted by Parliament for the financial year and no financial liability of a recurrent nature shall be incurred without the prior approval of the Minister, given with the concurrence of the Minister in charge of the subject of Finance.

106. (1) Each Higher Educational Institution shall prepare an annual statement of accounts and statistics relating to its activities in such form and manner and containing such particulars as the Commission may specify from time to time.

Annual statement of accounts and statistics.

(2) The books of accounts of a Higher Educational Institution shall be kept in the office of that Institution.

107. (1) (a) Each Higher Educational Institution shall have its accounts audited each year by the Auditor-General and, for the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

Audit of accounts.

(b) The accounts of a Higher Educational Institution for each financial year shall, within four months after the closure of that financial year, be submitted by its principal executive officer, to the Auditor-General for audit.

(2) The Auditor-General and any person assisting the Auditor-General in the audit of the accounts of a Higher Educational Institution, shall have access to all such books, records, deeds, agreements, vouchers and other documents of that Institution as the Auditor-General may consider necessary for the purpose of the audit and shall be furnished by that Institution and its officers with such information within their knowledge as may be required for such purpose.

(3) For the purpose of meeting the expenses incurred by him in auditing the accounts of a Higher Educational Institution, the Auditor-General shall be paid from the University Fund of that Institution, such remuneration as the Minister may determine with the

concurrence of the Minister in charge of the subject of Finance. Any remuneration received from a Higher Educational Institution by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor or auditors employed by him for the purpose of such audit, be credited to the Consolidated Fund.

(4) For the purpose of this section, the expression "qualified auditor" means—

- (a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute, or
- (b) a firm of Accountants each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute.

(5) The provisions of Article 154 of the Constitution shall apply to and in relation to the audit of the accounts of a Higher Educational Institution by the Auditor-General.

(6) (a) The Auditor-General shall disallow every item of the accounts which is in his opinion irregular or contrary to law and surcharge the same on the officer, teacher or employee making or authorising the making of such payment, and shall charge against any officer, teacher, or employee any sum which ought to have been, but is not brought into account by such officer, teacher or employee, and the Auditor-General shall in each such case, certify the amount due from such person.

(b) Before certifying any surcharge or disallowance against any officer, teacher or employee of a Higher Educational Institution under paragraph (a), the Auditor-General shall notify such person of such proposed surcharge or disallowance and inform such person of his right to make

representations or be heard against such surcharge or disallowance, and fix a time and place for the hearing and inquiry into such representations not less than fourteen days from the date of despatch of such notice and, upon completion of such hearing and inquiry, the Auditor-General shall record the same and make his decision thereon giving the reasons for such decision, and inform such person and the Registrar of that University or Open University or the Secretary of the University College, as the case may be, of the same.

(c) Any person aggrieved by the decision of the Auditor-General may, within fourteen days from the communication to such person of such decision, appeal therefrom to the Commission:

Provided, however, that any person who, upon being informed of the proposed surcharge or disallowance by the Auditor-General, refuses or neglects to attend or take part in any inquiry or hearing before the Auditor-General, as to such surcharge or disallowance under paragraph (b) shall not be entitled to appeal to the Commission under this paragraph.

(d) Upon receipt of any appeal under paragraph (c), the Commission shall consider such appeal and—

- (i) if, in the circumstances of the case, it considers it fair and equitable that such surcharge or disallowance should be remitted, make such order; or
- (ii) vary or confirm the amount of such surcharge or disallowance ; and
- (iii) make an order as regards the costs incurred by the Auditor-General in respect of such surcharge or disallowance and inform such person and the Registrar of the University or Open University or the Secretary of the University College, as the case may be, and the Auditor-General, of such decision.

(e) Where a surcharge or disallowance against any person has been certified by the Auditor-General, such certification or such

certification varied as regards the amount, by the Commission under sub-paragraph (ii) of paragraph (d) shall be prima facie proof of the matters stated therein.

- (f) Where—
- (i) an appeal has been confirmed by the Commission under paragraph (d); or
- (ii) no right of appeal is available to any person under the proviso to paragraph (c),

the principal executive officer or a person authorized by such officer in writing, shall, where no payment or an agreement to pay has been made within three months of such surcharge' or three months of the date of communication of the decision of the Commission, institute in a court of competent jurisdiction, against the person against whom such surcharge or disallowance has been certified, an action for the recovery of the amount so certified to be recoverable, together with the costs thereon.

Auditor-General's report.

108. (1) The Auditor-General shall examine the accounts of each Higher Educational Institution and furnish a report—

- (a) stating whether he has or has not obtained all the information and explanations required by him;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the financial position of that Higher Educational Institution; and
- (c) drawing attention to any item in the accounts which in his opinion may be of interest to Parliament in any examination of the activities and accounts of that Higher Educational Institution.

(2) The Auditor-General shall transmit his report in respect of a Higher Educational Institution, to that Institution and to the Commission.

(3) The report of the Auditor-General referred to in subsection (2) shall be considered by the governing authority of that Higher Educational Institution and after such consideration, that Higher Educational Institution shall, within three months of the transmission of such report to the Higher Educational Institution and to the Commission, inform the Auditor-General of the steps taken or proposed to be taken with regard to the matters pointed out in such report.

109. The accounts of a Higher Educational Institution for each financial year shall, when audited, be published in the Gazette.

Publication of audited accounts.

110. Each Higher Educational Institution shall within three months of the receipt by it of the Auditor-General's report in respect of each year, transmit to the Minister and to the Commission such report with any comments made thereon by its governing authority together with the statement of accounts to which the report relates, and the Minister shall cause copies thereof to be tabled in Parliament before the end of the year next succeeding the year to which such accounts and report relate, and the principal executive officer of that Higher Educational Institution shall attend and answer any questions arising therefrom before the Public Accounts Committee of Parliament.

Annual accounts and Auditor-General's report to be transmitted to Minister.

111. The provisions of subsections (3), (4) and (7) of section 10, and the provisions of section 12, of the Public Corporations (Financial Control) Act shall, *mutatis mutandis*, apply to, and in relation to, the audit of the accounts of any Higher Educational Institution.

Certain provisions of the Public Corporations (Financial Control) Act to apply.

PART XIV

STUDENTS ASSEMBLIES AND ASSOCIATIONS

112. (1) Each Higher Educational Institution shall have a Student Assembly consisting of student representatives elected from among the persons who are for the time being students of that Higher Educational Institution.

Student Assembly.

(2) Every election to the Student Assembly shall be conducted by secret ballot at the commencement of each academic year, by such person or persons as may be nominated by the principal executive officer of the Higher Educational Institution concerned.

(3) The term of office of a Student Assembly shall expire at the end of the academic year in which the Student Assembly was elected.

113. (1) Each Student Assembly shall elect from among its members a Chairman, a Vice-Chairman, a Secretary, and a Junior Treasurer who shall be the office-bearers of the Student Assembly.

(2) Each Student Assembly shall have a Senior Treasurer who shall be a teacher nominated by such Assembly and whose nomination has been approved by the principal executive officer of the Higher Educational Institution to which such Assembly belongs.

(3) Each Student Assembly may for the purpose of conducting its business appoint such Standing Committee or Committees as may be prescribed by Ordinance:

Provided, however, that the Chairman or the Secretary of any Student Assembly shall not be a member of any such Standing Committee or Committees.

114. A Student Assembly shall have no affiliation with any organization or body outside the Higher Educational Institution to which such Assembly belongs.

115. (1) A Higher Educational Institution may, with the concurrence of the Commission, recognize any union, society or other association of students of that Institution, established for the sole purpose of furthering academic or social objectives, provided that the membership of such union, society or other association consists entirely of students of that Institution.

(2) Subject to the provisions of section 117, the governing authority of the Higher Educational Institution concerned may prescribe by By-law, the mode of

registration of unions, societies and other associations recognized under subsection (1), their functions, the mode of conducting elections for the appointment of their office-bearers, and the duties and functions of such office-bearers.

116. The governing authority of the Higher Educational Institution concerned may from time to time allocate to the Student Assembly, or to any union, society or other association of such Institution recognized under section 115, such sums of money as may be deemed necessary by such governing authority, for their approved activities.

117. The Commission shall by Ordinance prescribe—

- (i) the duties and functions of the Student Assembly;
- (ii) the number of student representatives constituting each Student Assembly and their mode of election;
- (iii) the Standing Committee or Committees which a Student Assembly may appoint, and the duties and functions of such Committee or Committees;
- (iv) the duties and functions of the Chairman, the Vice-Chairman, the Secretary and the Junior Treasurer of the Student Assembly;
- (v) the purpose or the purposes for which the funds allocated to the Student Assembly and any union, society or other association under section 116 shall be utilized ; and
- (vi) the form and the manner in which the accounts of the Student Assembly and any union, society or other association shall be maintained and audited.

118. (1) If any Student Assembly or union or society or other association of a Higher Educational Institution conducts itself in a manner, which, in the opinion of the principal executive officer of that Institution, is detrimental or prejudicial to

Governing authority to allocate money to Student Assembly, for approved activities.

The Commission to prescribe constitution, duties and functions of Student Assembly and its office-bearers.

Suspension or dissolution of a Student Assembly, union, society or other association.

Office-bearers of Student Assembly.

Student Assembly to have no affiliation.

Recognition of certain unions, societies and other associations.

the good name of that Institution, or acts in contravention of this Act or any appropriate Instrument, such principal executive officer may suspend or dissolve such Student Assembly, union, society or other association, as the case may be.

(2) Where any Student Assembly has been dissolved under subsection (1), the principal executive officer may, subject to the provisions of section 112, fix a date for the purpose of electing a new Student Assembly. Such new Student Assembly shall hold office until the end of the academic year in which it was elected.

PART XV

APPLICATION OF THE HOUSING AND TOWN IMPROVEMENT ORDINANCE

Application of Chapter 600 to areas within the precincts or in proximity to the precincts of a Higher Educational Institution.

119. (1) Notwithstanding anything in the Housing and Town Improvement Ordinance it shall be lawful for the Minister on the recommendation of the Commission and in consultation with the Minister in charge of the subject of Local Government, if he deems it expedient so to do in order to preserve the amenities of the precincts of a Higher Educational Institution, to declare by Notification published in the Gazette, that Chapter I of Part II of that Ordinance shall apply, subject to the modifications specified in subsection (2) of this section, to any area of land within the precincts or in proximity to the precincts of such Higher Educational Institution specified in such Notification, to which the said Ordinance does not otherwise apply, as if such area were an area comprised within the limits of a local authority.

(2) Upon the publication of any Notification under subsection (1) of this section, the said Chapter shall apply accordingly, subject to the following modifications:—

- (i) the words " principal executive officer " shall be substituted for the word " Chairman", wherever the latter word occurs therein,

- (ii) the following section shall be substituted for section 7 thereof:—

" Circumstances in which approval or consent may be refused. **7.** The principal executive officer of a Higher Educational Institution shall not refuse—

- (a) to approve any plan, drawing, or specification of any building; or
- (b) to consent to any alteration in any building,

unless the building or the alteration of the building is of such nature as to be likely, in his opinion, to injure the amenities of the precincts of the Higher Educational Institution or unless the application for such approval or consent fails to comply with any requirement made under section 8. ";

- (iii) the following paragraph shall be substituted for paragraph (a) of section 8 thereof:—

"(a) the submission of plans, drawings, and specifications in such form and containing such particulars as may be prescribed by the principal executive officer; ";

- (iv) the following paragraph shall be substituted for paragraph (b) of section 8 thereof:—

" (b) the amendment of any plan, drawing or specification so submitted so as to bring it into accordance with such form or so as to contain any such particulars; ";

- (v) in paragraph (e) of section 8 thereof, the words " this Chapter " shall be substituted for the words " this Ordinance ";

(vi) the following paragraph shall be substituted for paragraph (c) of subsection (1) of section 13 thereof:—

"(c) execute any building operation in contravention of any of the provisions of this Chapter;"

(vii) the following subsection shall be substituted for subsection (2) of section 13 thereof:—

"(2) In any case in which any person is convicted under this section, the Magistrate may, on the application of the principal executive officer, make a mandatory order requiring such person or the owner of the building, or both, within a time limited in the order, to demolish the building in question or to alter it so as not to injure the amenities of the precincts of the Higher Educational Institution, and in the event of such mandatory order not being complied with, may authorize the principal executive officer to demolish, alter or otherwise deal with the building in such a manner as to secure compliance with the order and any expenses thereby incurred shall be recovered upon an order made by the Magistrate in the same manner as a fine imposed by him and upon recovery shall be paid to the principal executive officer of the Higher Educational Institution. ";

(viii) the following subsection shall be substituted for subsection (1) of section 15 thereof:—

"(1) No building constructed after the commencement of this Ordinance shall be occupied, except by a caretaker, until the principal executive officer has given a certificate that

such building as regards construction, drainage and in all other respects, does not injure the amenities of the precincts of a Higher Educational Institution.; and

(ix) the reference to the tribunal of appeal in section 16 thereof shall be deemed to be a reference to the District Court having jurisdiction in the district in which the said area is situated.

(3) The exercise of any of the powers conferred on the principal executive officer of a Higher Educational Institution under the provisions of this section shall be subject to the consent of its governing authority, and if such principal executive officer refuses to approve any plan, drawing or specification of any building or to consent to any alteration in any building within the said area on the ground that it will injure the amenities of the precincts of the Higher Educational Institution, the Higher Educational Institution shall make compensation to any person for any loss or damage he may sustain in consequence of such refusal; and any person aggrieved by the failure of the Higher Educational Institution to make such compensation or to make adequate compensation, may appeal to the District Court having jurisdiction in the district in which such area is situated, and the decision of the District Court on any such appeal shall be final and conclusive.

PART XVI

**APPLICATION OF THE GOVERNMENT
QUARTERS (RECOVERY OF
POSSESSION) ACT**

120. (1) The provisions of the Government Quarters (Recovery of Possession) Act shall—

*Application of
Government
Quarters
(Recovery of
Possession)
Act to
University
quarters.*

(a) apply to University quarters subject to the modifications set out in subsection (2); and

(b) be deemed at all times to have been, and to be, an implied condition of the occupation by persons of University quarters.

(2) The provisions of the Government Quarters (Recovery of Possession) Act, in their application to University quarters are modified as follows :—

PART XVII

GENERAL PROVISIONS

(i) the words "University quarters" shall be substituted for the words "Government quarters" wherever those words appear in that Act;

(ii) in section 9 thereof, for the definition of—

(a) "competent authority", there shall be substituted the following definition:—

"competent authority" means the Secretary of the Commission, or the Registrar of a University or the Secretary of a University College, as the case may be, authorized by the Secretary of the Commission to be a competent authority for the purposes of the Act'; and

(b) "Government quarters" there shall be substituted the following definition:—

"University quarters" means any building, room or other accommodation occupied or used for the purposes of residence which is provided by or on behalf of the Commission or University or University College to any person, and includes any land or premises in which such building or room or accommodation is situated.'

121. A person shall be disqualified from being appointed to, or from being a member of, the Commission, the Appeals Board, or any Authority or other body of a Higher Educational Institution—

- (a) if he is an undischarged bankrupt or insolvent; or
- (b) if he is convicted of any offence involving moral turpitude; or
- (c) if he is, under any law in force, found or declared to be of unsound mind; or
- (d) if he, directly or indirectly, by himself or by any person on his behalf or for his use or benefit, holds or enjoys any right or benefit under any contract, other than his contract of employment, made by or on behalf of any Higher Educational Institution.

Disqualification from being members of the Commission, the Appeals Board or any Authority or other body of a Higher Educational Institution.

122. All members and the staff of the Commission and of the Appeals Board, and all members of the staff of each Higher Educational Institution shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Members and staff of Commission and Appeals Board and staff of Higher Educational Institutions deemed to be public servants.

123. The Commission, the Appeals Board, and each Higher Educational Institution shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

The Commission, Appeals Board and each Higher Educational Institution to be a scheduled institution within the meaning of the Bribery Act.

124. There shall be established a Committee of Vice-Chancellors and Directors for the purpose of considering all matters of common interest to the Universities or University Colleges and for advising the Commission on such matters.

Committee of Vice-Chancellors and Directors.

Questions as to validity of elections, appointments, &c.

125. If any question arises as to whether any person has been duly elected, appointed, nominated or co-opted as, or as to whether any person is entitled to be, a member of any Authority or other body of a Higher Educational Institution, the question shall be referred to the Commission whose decision thereon shall be final.

Vacancies or defects not to invalidate resolutions or proceedings,

126. No act, resolution or proceeding of the Commission, the Appeals Board or any Authority or other body of a Higher Educational Institution shall be invalidated merely by reason of the existence of a vacancy or of vacancies among its members, or any defect or defects in the appointment of such member or any member or members thereof being disqualified under section 121.

Gifts, &c.

127. The Commission, the Appeals Board or any Higher Educational Institution shall not grant any bonus or make any gift or division of money, other than a death gratuity, to or between any of its members, except in accordance with this Act or any appropriate Instrument.

No person or body other than a University to grant or confer degrees.

128. (1) Notwithstanding the provisions of any other written law, no person, institution, corporation, or professional or other body, other than a University, Open University or the Buddha Sravaka Dharmapithaya established under the Buddha Sravaka Dharmapithaya Act, shall grant or confer on any person or persons any degree or other academic distinction whatsoever;

Provided, however, that academic distinctions may be granted by professional bodies or research institutes by arrangement with such University and the concurrence of the Commission.

(2) Where there is a contravention of the provisions of subsection (1) by any person, institution, corporation or professional or other body, such person or the governing authority, proprietor, director or other person or persons responsible for the management of such institution, corporation or professional or other body shall be guilty of an offence and shall, on conviction by a Magistrate, be liable to a fine of two hundred and fifty rupees.

129. (1) The Minister may in concurrence with the Minister in charge of the subject of Education, by Order published in the Gazette, transfer to a Higher Educational Institution, any institution, school or college maintained and managed by the Government, together with any movable property therein, and any immovable property of such institution, school or college may, by a like Order by the Minister in charge of the subject of Lands, be vested in such Higher Educational Institution.

Transfer of other institutions to a Higher Educational Institution.

(2) Upon the publication of such Order, the movable and the immovable property of such institution, school or college shall vest in the Higher Educational Institution with effect from the date specified in that Order.

130. (1) On or after such date as may be appointed for the purposes of this section by the Minister by Order published in the Gazette, no educational institute other than a Higher Educational Institution shall be established or maintained by or under a name which contains the word "University".

Restrictions on the use of the word "University".

(2) Where there is a contravention of the provisions of subsection (1) in respect of any educational institute, the governing authority or the proprietor of that institute shall be guilty of an offence and shall on conviction by a Magistrate, be liable to a fine of one hundred rupees for each day after the date appointed under subsection (1) of this section, for which the word "University" was used as its name or part of its name.

(3) Subsections (1) and (2) of this section shall not apply to the Buddha Sravaka Dharmapithaya established under the Buddha Sravaka Dharmapithaya Act.

PART xvni

SPECIAL PROVISIONS

131. (1) Where the presence of any person in the precincts of a Higher Educational Institution is, in the opinion of the governing authority of that Institution, undesirable, the principal executive officer of that Institution, after giving such person

Prohibition of certain persons from entering precincts of a Higher Educational Institution.

an opportunity of being heard, may, with the consent of that governing authority, by writing under his hand served on such person, prohibit such person from entering or remaining within such precincts or within such part thereof as may be specified in such writing. Such prohibition shall be and remain in force until revoked by such principal executive officer with the consent of such governing authority.

(2) A certificate under the hand of the principal executive officer of a Higher Educational Institution to the effect that any person named in the certificate has been prohibited, in accordance with the provisions of subsection (1) from entering or remaining within the precincts of a Higher Educational Institution or any specified part thereof, shall be received and accepted by any court as evidence of the facts stated in such certificate until the contrary is proved-

(3) A document purporting to be a certificate issued by the principal executive officer of a Higher Educational Institution and signed by him shall be received in evidence and shall, until the contrary is proved, be deemed to be a certificate issued by such officer under subsection (2).

Penalty for offence of disobeying prohibition.

132. Any person who is prohibited under the provisions of section 131 from entering or remaining within the precincts of a Higher Educational Institution or part thereof and who, without reasonable cause, enters or remains within such precincts or part thereof in contravention of such prohibition, shall be guilty of an offence, and shall, on conviction by a Magistrate, be liable to a fine of one hundred rupees in respect of each day or part thereof on which he has entered or during which he has remained within such precincts or part thereof.

Offences under section 131 to be cognizable and bailable.

133. An offence under section 131 shall be cognizable and bailable within the meaning of the Code of Criminal Procedure Act.

PART XIX

STATUTES, BY-LAWS, REGULATIONS AND RULES

134. (1) Subject to the provisions of Statutes. this Act, and of the Orders and Ordinances made thereunder. Statutes may be made by the Court of a University in respect of all or any of the following matters:—

- (a) where not otherwise provided for, the filling of vacancies in, and the convening of, any Authority or other body;
- (b) the determination of the degrees, diplomas, certificates and other academic distinctions to be conferred;
- (c) the conferment of honorary degrees;
- (d) the institution and award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes for which funds or property may in any manner whatsoever be provided;
- (e) all matters for which, under the provisions of this Act, Statutes are authorized or required to be made; and
- (f) all matters which, under the provisions of this Act are to be, or may be, prescribed by Statute,

(2) Every Statute shall, when assented to by the Court, be published in the Gazette and shall come into force on such date as may be specified therein.

135. (1) Subject to the provisions of By-laws. this Act, and of the Orders, Ordinances and Statutes made thereunder, By-laws may be made by the governing authority of a Higher Educational Institution in respect of all or any of the following matters;—

- (a) the courses of study prescribed for degrees, diplomas, certificates and other academic distinctions;

- (b) the conditions subject to which students shall be admitted to courses of study and examinations prescribed for degrees, diplomas, certificates and other academic distinctions and shall be eligible for such academic distinctions;
- (c) the fees to be charged for courses of study, examinations, residence and the award of degrees, diplomas, certificates and other academic distinctions;
- (f) the conditions of residence and the discipline of students;
- (e) where not otherwise provided for, the constitution, powers, duties and functions and the terms of membership of any Authority, or other body;
- (f) all matters connected with the election of representatives to the various Authorities and other bodies;
- (g) the conditions and mode of appointment, duties and emoluments of examiners, and the conduct and maintenance of standards of examinations;
- (h) all matters for which, under the provisions of this Act or of the Ordinances and Statutes made thereunder. By-laws are authorized or required to be made ; and
- (i) all matters which, under the provisions of this Act or of the Ordinances and Statutes made thereunder, are to be, or may be, prescribed by or provided for by By-laws.

(2) No By-law shall be made by the governing authority of a Higher Educational Institution in respect of any matter relating to, or connected with, teaching in, or the examinations of, that

Intitution, unless a draft of such By-law has been prepared and submitted to such governing authority by the Senate or the Academic Syndicate, as the case may be, of that Institution.

(3) Every By-law made by the governing authority of a Higher Educational Institution shall come into force on such date as shall be specified therein.

136. Subject to the provisions of this Act and of the Orders, Ordinances, Statutes and By-laws made thereunder. Regulations may be made by the Senate or the Academic Syndicate, as the case may be. of a Higher Educational Institution in regard to any academic matter and for the amendment, variation or revocation of an existing Regulation.

In this section " academic matter " means any matter which is subject to the control and general direction of such Senate or Academic Syndicate.

137. (1) Subject to the provisions of this Act, and of any appropriate Instrument, the Commission, the Appeals Board, and any Authority or other body of a Higher Educational Institution may make Rules—

- (a) for all matters which, under the provisions of this Act or of any appropriate Instrument, are to be, or may be, prescribed by Rules;
- (b) for all matters in respect of which, under the provisions of this Act or of any appropriate Instrument, Rules are required or authorized to be made; and
- (c) for all other matters solely concerning the Commission, the Appeals Board, or any Authority or other body of a Higher Educational Institution and not provided for by this Act or any appropriate Instrument.

(2) Any Rule made by the Commission, by the Appeals Board, or by any Authority or other body of a Higher Educational

Institution, may at any time, be amended, added to, varied or rescinded by a like Rule made by such Commission, Appeals Board, Authority or other body.

Higher Educational Institution as the Commission may determine, and shall as nearly as may be possible, continue to function as an Institute under such Higher Educational Institution in accordance with the Statute under which such Institute was established.

PART XX

TRANSITORY PROVISIONS

Certain provisions applicable upon the repeal of Act No. 1 of 1972.

***139.** (1) Upon the repeal of the University of Ceylon Act, No. 1 of 1972, each Campus specified in Column I below shall be deemed to be a University established by Order made under section 21 of this Act, and having the name and style specified in the corresponding entry in Column II below, and accordingly, all the provisions of this Act shall, *mutatis mutandis*, apply to and in relation to such University—

<i>Column I</i>	<i>Column II</i>
Colombo	. University of Colombo, Sri Lanka;
Peradeniya	. . University of Peradeniya, Sri Lanka;
Vidyodaya	. . University of Sri Jayewardenepura, Sri Lanka;
Vidyalankara	. University of Kelaniya, Sri Lanka;
Katubedda	. . University of Moratuwa, Sri Lanka;
Jaffna	. University of Jaffna, Sri Lanka.

(2) Every Faculty of such Campus shall be deemed, for all purposes, to be a Faculty of such University.

(3) Every Department of Study of such Faculty shall be deemed, for all purposes, to be a Department of Study therein.

Institutes established under Act No.1 of 1972 deemed to be established under this Act.

140. (1) Upon the repeal of the University of Ceylon Act, No. 1 of 1972, every Institute established or deemed to be established under that Act and in existence on the day immediately preceding the date of such repeal shall be attached to such

(2) For the purposes of this section, Statutes made under the aforesaid Act in relation to each Institute shall be deemed to be Ordinances made by the Commission under section 18 of this Act.

(3) The Commission shall, within one year of the date of such repeal, determine the structure and composition of such Institute.

141. Subject to the provisions of this Act and of any appropriate Instrument, the following provisions shall apply as from the date of coming into operation of this Act—

Effect of repeal of Act No. I of 1972.

(1) All teachers, officers and other employees in the service of the old University on the day immediately preceding the date of coming into operation of this Part of this Act, who have not reached their respective ages of retirement shall be deemed to be teachers, officers and other employees in the service of such Higher Educational Institution as the Commission may determine and shall hold their offices with as nearly as may be the same status and on the same terms, including terms relating to salaries or wages, the termination of employment allowances or other benefits as they had or enjoyed in the service of the old University.

(2) The Commission may within one year of the date of coming into operation of this Part of this Act, review the appointments held by teachers, officers and other employees of the old University who were in the service of that University on the day immediately preceding the date of coming into operation of this Part of this Act, and order the abolition of such posts which are found to be superfluous or the termination of services of such persons as had been appointed to their respective posts in contravention of the schemes of

* Section 138, repealing the University of Ceylon Act, No. 1 of 1972, is omitted.

recruitment which were in force at the time when such appointments were made, with due notice given to them.

(3) All debts, obligations and liabilities incurred and all contracts, deeds, bonds, agreements and other instruments executed or entered into, and all matters and things engaged to be done by, with, or for, the old University prior to the date of coming into operation of this Part of this Act shall be deemed to have been incurred, executed, entered into or engaged to be done by, with or for, a Higher Educational Institution established under this Act. The Commission shall indicate to the parties concerned the appropriate Higher Educational Institution to which such debt, obligation contract, deed, bond, agreement or other instrument relates.

(4) (a) All suits, prosecutions, appeals or other legal proceedings civil and criminal which have been instituted in any court or tribunal by or against the old University prior to the date of coming into operation of this Part of this Act shall be deemed to have been instituted by or against the Commission.

(b) Where such suit, prosecution, appeal or other legal proceeding civil and criminal has been instituted, the Commission may make an application to court for an order to substitute the appropriate Higher Educational Institution to which such suit, prosecution, appeal or other legal proceeding relates, and the court shall make such order as it thinks fit. Where an application is made under the provisions of this paragraph, the provisions of the Civil Procedure Code relating to substitution shall, *mutatis mutandis*, apply to and in relation to such application.

(5) (a) All decrees or orders made by a competent court or tribunal in favour of or against, the old University prior to the date of coming into operation of this Part of this Act shall be deemed to have been made in favour of or against, the Commission.

(b) Where such decrees or orders have been made by a court, the Commission may make an application to that court for an order to substitute the appropriate Higher

Educational Institution to which such decree or order relates, and the court shall make such order as it thinks fit. Where an application is made under this paragraph, the provisions of the Civil Procedure Code relating to substitution shall, *mutatis mutandis*, apply to and in relation to such application.

(6) The University Provident Fund of the old University together with the interest thereon as at the date of coming into operation of this Part of this Act shall be transferred to the Universities Provident Fund established under this Act, and every contributor to the University Provident Fund on the day immediately preceding the date of coming into operation of this Part of this Act and every person who was a contributor to that Fund until the date of his voluntary retirement under the repealed Act, No. 1 of 1972, shall be deemed to be a contributor to the Universities Provident Fund, Where any contributor who ceased from the date of his voluntary retirement under the University of Ceylon Act, No. 1 of 1972, to contribute to the provident fund established under that Act becomes a contributor to the Universities Provident Fund under this Act, compound interest at the rate determined under section 46 (3) of that Act shall be deemed to have accrued to the amount lying to the credit of that person in such fund as from the date of such retirement until the date of coming into operation of this Part of this Act and accordingly such amount shall be credited to the account of that person in the Universities Provident Fund.

(7) All property, movable and immovable, which has been vested in, or legally purchased or acquired by, or leased to, or placed at the disposal of, or in any other manner transferred to the old University, or which is held in trust for the old University, or is in its possession or control at the date of coming into operation of this Part of this Act, shall be held by or in trust for the Commission or such Higher Educational Institution as the Commission shall determine, subject to the trusts, charges, liabilities, reservations, servitudes or other encumbrances and on the terms and conditions appertaining, attaching or applicable thereto at that date.

Special provisions relating to transferred members of staff of old University.

142. (1) Subject to the provisions of this Act and of any appropriate Instrument, the following provisions shall apply to teachers, officers and other employees of the old University after the date of coming into operation of this Part of this Act—

- (a) Where the post or office held by such teacher, officer or other employee is abolished under subsection (2) of section 141, the Higher Educational Institution to which such teacher, officer or other employee was attached shall pay him compensation for loss of employment. Such compensation shall be determined by the Higher Educational Institution concerned.
- (b) Any teacher, officer or other employee of the old University may, within two years of the date of coming into operation of this Part of this Act, retire from the service of the Higher Educational Institution to which he was attached, after his having given to such Institution at least two months' written notice of his intention to retire:

Provided that this paragraph shall not apply—

- (i) to a teacher, officer or other employee who has not been confirmed in his appointment ; or
- (ii) to a teacher, officer or other employee who, having availed himself of leave for study or other purpose, is under and agreement to serve the Higher Educational Institution, the old University or a University deemed to be established under the Higher Education Act, No. 20 of 1966*, for a specified period; or
- (iii) to an officer or other employee who has completed his fifty-fifth year.

(2) Where a teacher, officer or other employee of the old University has retired under the provisions of paragraph (b) of

subsection (1) of this section, the Higher Educational Institution concerned shall pay him by way of gratuity or retiring allowance, such compensation as might have been granted to him had his post been abolished under subsection (2) of section 141, and for the purpose of determining such gratuity or retiring allowance his service under the old University and under any one or more of its predecessors shall be deemed to be service to the Higher Educational Institution of which he was an employee at the time of retirement.

(3) Any teacher, officer or other employee of the old University who is dissatisfied with the compensation payable to him under subsection (1) or (2) of this section may appeal to the Appeals Board, whose decision thereon shall be final.

143. Notwithstanding anything to the contrary in any other provision of this Act, the following provisions shall apply for the purpose of enabling all such arrangements and measures to be made and taken as are necessary for the operation of this Act:—

Special provisions pending the establishment of a Higher Educational Institution under this Act.

- (a) The Commission shall be appointed by the President, and shall commence to function as from such date as may be specified by the Minister.
- (b) The first Secretary of the Commission shall be appointed by the Commission, and when so appointed—
 - (i) he shall commence to function as from such date as may be specified by the Commission; and
 - (ii) he shall exercise, perform and discharge in respect of the Commission all such powers, duties and functions as are conferred or imposed on or assigned to him under this Act or any appropriate Instrument.

(c) Any officer or other employee of the old University may with the consent of that officer or other employee

* Repealed by Act No. 1 of 1972

and the principal executive officer of that University, be temporarily appointed to the staff of the Commission for such period as may be determined by the Commission, with like consent, or be permanently appointed to such staff on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by that Commission and that Principal executive officer.

(d) The first Vice-Chancellor of every University deemed to be established under section 139 shall be appointed by the President and when so appointed—

(i) he shall commence to function as from the date of coming into operation of this Part of this Act;

(ii) he shall exercise, perform and discharge in respect of the University to which he is so appointed, all such powers, duties and functions as are conferred or imposed on or assigned to him under this Act or any appropriate Instrument;

(iii) he may exercise, perform and discharge the powers, duties and functions of any or all the Authorities of the University to which he is so appointed until such time as such Authorities are duly constituted under this Act; and

(iv) he shall, unless he vacates office earlier, and subject to the provisions of section 34 (1) (b), hold office for a term of three years reckoned from the date of his appointment, and shall be eligible for re-appointment under section 34 (1) (a) for a further period of three years immediately succeeding the aforesaid period.

(e) The first Registrar of each University deemed to be established under section 139 shall be appointed by the Commission, and shall when so appointed exercise, perform and discharge in respect of the University to which he is so appointed, all such powers, duties and functions as are conferred or imposed on or assigned to him under this Act or any appropriate Instrument.

(f) The first Bursar of each University deemed to be established under section 139, shall be appointed by the Commission, and shall, when so appointed, exercise, perform and discharge in respect of the University to which he is so appointed, all such powers, duties and functions as are conferred or imposed on or assigned to him under this Act or any appropriate Instrument.

144. Notwithstanding anything in any other provision of this Act, the following provisions shall apply during the transitional period pending the establishment of a University under this Act for the purpose of enabling all such arrangements and measures to be made and taken as are necessary to enable such University to commence to function as such, and to carry out its objects, as early as possible after the date of its establishment:—

Special provisions pending the establishment of a University under this Act.

(a) The first Vice-Chancellor of the University shall be appointed by the President, and when so appointed—

(i) he shall exercise, perform and discharge all such powers, duties and functions as are conferred or imposed on or assigned to him under this Act or any appropriate Instrument;

(ii) he may exercise, perform and discharge the powers, duties and functions of any or all the

Authorities of the University, until such time as such Authorities are duly constituted under the Act; and

(iii) he shall, unless he vacates office earlier, and subject to the provisions of section 34 (1) (b), hold office for a term of three years reckoned from the date of his appointment, and shall be eligible for re-appointment under section 34 (1) (a) for a further period of three years immediately succeeding the aforesaid period.

(b) The first Registrar of the University shall be appointed by the Commission, and shall, when so appointed, exercise, perform and discharge all such powers, duties and functions as are conferred or imposed on or assigned to him under this Act or any appropriate Instrument.

(c) The first Bursar of the University shall be appointed by the Commission and shall, when so appointed, exercise, perform and discharge all such powers, duties and functions as are conferred or imposed on or assigned to him under this Act or any appropriate Instrument.

For the purpose of this section, "transitional period" means the period commencing on the date on which a University Order is published under this Act, and ending on the date on which such Order comes into force.

Removal of difficulties.

145. In connexion with the preliminary arrangements for the functioning of a University deemed to be established under section 139 or for the establishment of a Higher Educational Institution under sections 21, 22, 23 and 24, either generally or with reference to any special matter, the Minister may on the recommendation of the Commission and by Order published in the Gazette, issue all such directions as he may deem necessary

with a view to providing for any special or unforeseen circumstances, or to determining or adjusting any question or matter for the determination or adjustment of which no provision or effective provision is made by this Act.

146. Notwithstanding anything to the contrary in section 139, the Commission shall have during the period of two years commencing on the date of coming into operation of this Part of this Act, the power to do any or all of the following things:—

Special provisions relating to the powers of the Commission.

(a) to determine the structure and composition of each Higher Educational Institution;

(b) to determine the Faculty or Faculties and the Departments of Study thereof to be assigned to each such Higher Educational Institution, and to assign the same ;

(c) to determine the subjects or disciplines of study to be provided or taught in each such Higher Educational Institution; and

(d) to transfer or re-allocate the staff, students, equipment, land, buildings and other facilities of the old University among such Higher Educational Institutions.

PART XXI

INTERPRETATION

147. In this Act, unless the context otherwise requires—

" administrative staff " means members of the staff of a Higher Educational Institution, who are not teachers, holding posts carrying an initial salary of not less than nine thousand rupees per annum or such other higher initial salary as the Commission may from time to time determine by Ordinance made under this Act;

" appropriate Instrument " means any Order, Ordinance, Statute, By-law, Regulation or Rule made in accordance with the provisions of this Act;

" By-law " means a By-law made by the governing authority of a Higher Educational Institution under this Act;

"governing authority " in relation to—

- (i) a University, means the Council of that University;
- (ii) an Open University, means the Council of that Open University, and
- (iii) a University College, means the Board of Management of that University College;

" Higher Educational Institution " means a University, Campus, Open University or University College established or deemed to be established under this Act;

" non-academic staff" means all the members of staff of a Higher Educational Institution who are not teachers;

" old University " means the University of Sri Lanka established under the University of Ceylon Act, No. 1 of 1972;*

" Order " means an Order made by the Minister under this Act;

" Ordinance " means an Ordinance made by the Commission or by the Appeals Board under this Act;

" other employee" means any person holding a post other than that of a teacher or officer in a Higher Educational Institution;

" President" means the President of the Democratic Socialist Republic of Sri Lanka•

" principal executive officer" in relation to—

- (i) a University, means the Vice-Chancellor of that University;
- (ii) an Open University, means the Vice-Chancellor of that Open University; and
- (iii) a University College, means the Director of that University College;

" recognized institution" means any institution recognized under section 25;

" Regulation" means any Regulation made by the Senate or the Academic Syndicate, as the case may be, of a Higher Educational Institution, under this Act;

" Rule " means any Rule made under this Act by the Commission, the Appeals Board, or an Authority or other body of a Higher Educational Institution;

" Statute " means any Statute made by the Court of a University under this Act;

" teacher " means a Professor, Associate Professor, Senior Lecturer, Lecturer and Assistant Lecturer, and the holder of any post declared by Ordinance to be a post, the holder of which is a teacher; and

" University" means a University established or deemed to be established under this Act.

* Repealed by Act No. 16 of 1978.