



PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA

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UNIVERSITIES (AMENDMENT)  
ACT, No. 1 OF 1995

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[Certified on 3rd January, 1995]

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Universities (Amendment) Act, No. 1 of 1995

[Certified on 3rd January, 1995]

L.D.—O. 45/94

AN ACT TO AMEND THE UNIVERSITIES ACT, No. 16 OF 1978

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Universities (Amendment) Act, No. 1 of 1995, and shall come into operation on such date as the Minister may appoint by Order published in the Gazette. Different dates may be appointed in respect of different provisions of this Act.

Short title  
and date  
of operation.

2. The following new section is hereby inserted immediately after section 24A of the Universities Act, No. 16 of 1978 (hereinafter referred to as the "principal enactment") and shall have effect as section 24B, of that enactment:—

Insertion  
of new  
section 24B  
in Act  
No. 16 of  
1978.

"Recognition  
of institute  
or college  
as an  
institute  
or centre  
for higher  
learning.

24B. (1) Notwithstanding anything to the contrary in any other provision of this Act, the Minister may, in consultation with the Commission, and with the concurrence of the Governing Authority of any institute or college and of the Senate and Council of the Higher Educational Institution to which such institute or college is proposed to be affiliated, by an Order published in the Gazette, recognize such institute or college as an institute or centre for higher learning for the purpose of providing, promoting and developing higher education in such branches of learning as may be specified in such Order and shall by such Order, affiliate such institute or college to a Higher Educational Institution; and upon the making of such Order, such institute or college shall be deemed to have been established by an Order made under section 24A, with effect from the date of the first mentioned Order.

(2) Upon the making of an Order under subsection (1) recognizing an institute or college as an institute or center for higher learning—

(a) all movable and immovable property which was owned by such institute or college and used for the purposes

of such institute or college on the day immediately preceding the date of such Order shall stand transferred, with effect from the date of such Order, to the Higher Educational Institution to which such institute or college is affiliated by such Order, subject to any encumbrances or trusts attaching to such movable or immovable property, on the day immediately preceding the date of such Order and to the payment of such compensation in respect thereof, as may be agreed by such Higher Educational Institution and the Governing Authority of such institute or college; and

(b) all officers and servants of such institute or college on the day immediately preceding the date of such Order—

(i) who are offered employment in the Higher Educational Institution to which such institute or college is affiliated and who accept such offer, shall be employed by such Higher Educational Institution on terms and conditions not less favourable than those enjoyed by them on the day immediately preceding the date of such Order; and

(ii) who are not offered employment in such Higher Educational Institution or who do not accept any such offer of employment, shall be entitled to the payment of such compensation and gratuity by such Higher Educational Institution, as may be determined by the Commission; and

(c) the Governing Authority of such institute or college shall, with effect from the date of such Order, cease to exercise or discharge in respect of such institute or college any power or function conferred on, or assigned to, such Governing Authority by any written law.

(3) In this section "Governing Authority" in relation to an institute or college means the Board of Directors, the Board of Management, Palaka Sabhawa or any other body, howsoever designated, charged with the administration and management of the affairs of such institute or college."

3. Section 34 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution of the following subsection therefor:—

Amendment of section 34 of the principal enactment.

" (1) (a) The Vice-Chancellor of a University shall, subject to the provisions of paragraph (b), be appointed for a term of three years by the President, upon the recommendation of the Commission, from a panel of three names recommended by the Council of that University.

(b) No person shall be appointed as Vice-Chancellor of the same University for more than two consecutive terms.

(c) The Vice-Chancellor of a University may be removed from office by the President, after consultation with the Commission."

4. Section 70N of the principal enactment is hereby amended as follows:—

Amendment of section 70N of the principal enactment.

(1) by the renumbering of that section as subsection (1) of that section;

(2) in the renumbered subsection (1) of that section, by the substitution, for the words "the election of a Dean of such Faculty in accordance with", of the words "the election of a Dean, or the appointment of an acting Dean, of such Faculty, in accordance with"; and



(3) by the addition at the end of that section of the following subsections:—

“ (2) Notwithstanding the transfer, by an order made under subsection (1), to a Higher Educational Institution of the whole or any part of any undertaking vested in the Government by an Order made under section 70F, the Competent Authority appointed to administer and manage such undertaking and his successors in office shall—

(a) subject to the directions of the Governing Authority of such Higher Educational Institution ; and

(b) until such date as the Minister may appoint by Order published in the Gazette,

continue to exercise, in relation to students registered in that undertaking on the day preceding the date of the Order under subsection (1), all the powers exercisable by such Competent Authority under section 70M (including the power to grant degrees, diplomas, certificates and other academic distinctions in the name of the institute represented by such undertaking) and every such student shall, until the date appointed under paragraph (b), continue to enjoy the facilities he enjoyed as a student of such undertaking.

(3) Where the whole or any part of an undertaking vested in the Government by an Order under section 70F is transferred to a Higher Educational Institution by an Order made under subsection (1), nothing in this Act shall be read or construed as conferring on any student registered in that undertaking on the day preceding the date of the Order under subsection (1) any right or entitlement to the grant of any degree, diploma, certificate or other academic distinction of such Higher Educational Institution.

(4) For the purpose of this section and notwithstanding anything to the contrary in any other provision of this Act, the expression “ undertaking ” shall not include the rights and liabilities under any contract or agreement, vested in the Government under section 70H, for the provision of services. ”

5. Section 72 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution of the following subsection therefor:—

Amendment of section 72 of the principal enactment.

“(1) 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 five years :

Provided that where the appointment is to a post of—

- (a) teacher and the appointee has been previously confirmed in a post of teacher in another Higher Educational Institution or in another Department of the Higher Educational Institution to which the appointee is attached, such appointment shall, in the first instance be for a probationary period of one year ;
- (b) teacher and the appointee has been previously confirmed in any post equivalent to the post of teacher in another Higher Educational Institution, such appointment shall not be subject to any probationary period ; and
- (c) teacher and the appointee has been previously confirmed in any other post in the same Department of the Higher Educational Institution to which the appointee is attached, such appointment shall not be subject to any probationary period.”.

6. Section 74 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 74 of the principal enactment

“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, except where such appointment is by reason of a promotion from a post other than that of teacher to another post other than that of teacher :

Provided that, where a person whose appointment to a post other than that of teacher in the Commission or in a Higher Educational Institution has been confirmed, is subsequently appointed otherwise than by way of promotion or under the provisions of sections 66A and 144, to another post other than that of teacher in the Commission or in a Higher Educational Institution, his subsequent appointment shall, in the first instance, be for a probationary period of one year, and shall thereafter be subject to confirmation by the Commission or the Governing Authority of such Higher Educational Institution, as the case may be."

Amendment  
of section  
86 of the  
principal  
enactment.

7. Section 86 of the principal enactment is hereby amended in paragraph (a) of that section by the substitution for the words "or promotions were made" of the words "or promotions were made or alleged to have been made and into allegations that appointments or promotions have not been made to posts when vacancies have arisen in such posts."

Amendment  
of section  
93 of the  
principal  
enactment.

8. Section 93 of the principal enactment is hereby amended as follows:—

(1) by the insertion immediately after subsection (2) of that section of the following subsection:—

"(2A) (a) A contributor may nominate a person (hereinafter in this section referred to as "a nominee") to whom the monies lying to the credit of the contributor's account in the provident fund shall be paid upon the death of such contributor.

(b) A nomination made under paragraph (a) shall have effect notwithstanding anything to the contrary in the last will of the nominator.

(c) A nomination made under paragraph (a) shall be deemed to be revoked, by the death of the nominee in the life time of the nominator or by written notice of revocation signed by the nominator in the presence of a witness, who shall attest the signature of the nominator or by any subsequent nomination made by the nominator.

(d) No monies lying to the credit of the account of a contributor in the provident fund shall be paid to any nominee of such contributor, unless the nominee satisfies the Secretary of the Commission as to his identity.

(e) The handing over of any monies lying to the credit of the account of a contributor in the provident fund to the nominee of such contributor upon the death of such contributor, shall be a complete discharge of the obligations of the Commission in respect of such monies.” ;

(2) by the repeal of subsection (4) of that section and the substitution of the following subsection therefor :—

“ (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 nominee or nominees nominated under subsection (2A) or in the absence of a valid nomination, to the person or persons lawfully entitled to such amount.”.

9. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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