



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

UNIVERSITIES (AMENDMENT)
ACT, No. 7 OF 1985

[Certified on 12th February, 1985]

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L.D.—O. 11/84.

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. 7 of 1985, and shall come into operation in respect of all or any of its provisions on such date or dates as the Minister may appoint by Order published in the *Gazette*.

Short title and date of operation.

2. Section 4 of the Universities Act, No. 16 of 1978 (herein after referred to as the "principal enactment") is hereby amended by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :—

Amendment of section 4 of Act No. 16 of 1978.

"(1) The Commission shall consist of a Chairman, a Vice-Chairman and five other members, all of whom shall be appointed by the President."

3. Section 5 of the principal enactment is hereby amended as follows :—

Amendment of section 5 of the principal enactment.

(1) by the substitution, in subsection (1) of that section, for the words "including the Chairman, shall", of the words "including the Chairman and the Vice-Chairman, shall," ;

(2) by the substitution, in subsection (3) of that section—

(a) for the words "If the Chairman, or other", of the words "If the Chairman, Vice-Chairman, or other", and

(b) for the words "such Chairman, or a fit person", of the words "such Chairman or Vice-Chairman, or a fit person" ; and

(3) by the substitution, in subsection (4) of that section, for the words "The Chairman and other members", of the words "The Chairman, Vice-Chairman and other members".

4. Section 6 of the principal enactment is hereby amended by the repeal of subsections (1) and (2) of that section and the substitution therefor, of the following subsections :—

Amendment of section 6 of the principal enactment.

"(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 Vice-Chairman shall preside at such meeting.

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

Amendment of section 7 of the principal enactment.

5. Section 7 of the principal enactment is hereby amended as follows :—

(1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :—

“(1) The Chairman shall be the chief executive officer and the Accounting Officer of the Commission.”;

(2) by the substitution, in subsection (3) of that section, for the expression “under sections 15, 16 and 18”, of the expression “under sections 16 and 18”;

(3) by the substitution, in subsection (4) of that section, for the words “the Chairman shall be subject” of the words “the Chairman and the Vice-Chairman shall be subject”; and

(4) by the substitution, for the marginal note to that section, of the following marginal note :—

“Chairman and Vice-Chairman of the Commission.”.

Amendment of section 8 of the principal enactment.

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

(1) by the substitution, for paragraph (a) of subsection (1) of that section, of the following paragraph :—

“(a) a Secretary, who shall be responsible for the custody of the records and the property of the Commission, and shall also be the Assistant Accounting Officer of the Commission ; and”;

(2) by the renumbering of subsection (2) of that section as subsection (3) thereof ; and

(3) by the insertion, immediately after subsection (1) of that section, of the following new subsection :—

“(2) The provisions of sections 74 and 75, shall, *mutatis mutandis*, apply to and in relation to the officers and employees of the Commission, other than those officers and employees appointed to the staff of the Commission under the provisions of subsection (5) of section 9.”.

7. Section 9 of the principal enactment is hereby amended in subsection (5) of that section, as follows :—

Amendment of section 9 of the principal enactment.

- (1) by the substitution, for the words “any officer or other employee”, of the words “any teacher, officer or other employee”; and
- (2) by the substitution, for the words “that officer or employee”, of the words “that teacher, officer or employee”.

8. The following new sections are hereby inserted immediately after section 9, and shall have effect as sections 9A and 9B, of the principal enactment :—

Insertion of new sections 9A and 9B in the principal enactment.

“Appeal against dismissal, compulsory retirement or other punishment, by holder of post in Commission.

9A. Every holder of a post in the Commission 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.

Seal of the Commission.

9B. (1) The seal of the Commission shall be in the custody of the Secretary of the Commission.

(2) The seal of the Commission may be altered in such manner as may be determined by the Commission.

(3) The seal of the Commission shall not be affixed to any instrument or document except in the presence of the Secretary and any member of the commission, both of whom shall sign the instrument or document in token of their presence.”

9. Section 15 of the principal enactment is hereby amended by the repeal of paragraphs (ix), (x) and (xi) of that section and the substitution therefor, of the following paragraphs :—

Amendment of section 15 of the principal enactment.

“(ix) to formulate schemes of recruitment and procedures for appointment of the staff of the Higher Educational Institutions, and to determine from time to time, the various grades of staff and the numbers comprising each of such grades ;

(x) to determine from time to time—

- (a) the structure and composition of each Higher Educational Institution established or deemed to be established under this Act or any appropriate instrument ;

- (b) the Faculty or Faculties, and the Departments of Study thereof, to be assigned to each such Higher Educational Institution ; and
- (c) the subjects or disciplines of study to be provided or taught in each such Higher Educational Institution ;
- (xi) to transfer or re-allocate the holder of any post other than that of teacher, students, equipment and other facilities of any Higher Educational Institution as may be necessary in consequence of any determination made under the provisions of paragraph (x) ;
- (xii) to investigate or to cause investigation into such matters pertaining to the discipline of the students, or to the academic, financial or general administration, of any Higher Educational Institution, and to take remedial measures ; and
- (xiii) 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. ”.

Amendment of section 20 of the principal enactment.

10. Section 20 of the principal enactment is hereby amended as follows :—

(1) by the addition, immediately after paragraph (b) of subsection (2) of that section, of the following new paragraph :—

“ (c) Upon the receipt of a report by the Commission in compliance with an order made under paragraph (a), the Minister may direct the Commission to take such remedial action as he may consider necessary with reference to any of the activities or the administration of the Higher Educational Institution concerned. ”; and

(2) by the substitution, in subsection (3) of that section, for the words “ national policy, he may direct ”, of the words “ national policy, or is likely to dislocate the functioning of such Institution, he may direct ”.

11. The following new section is hereby inserted immediately after section 24, and shall have effect as section 24A, of the principal enactment :—

Insertion of new section 24A in the principal enactment.

“ Establishment of an Institute or Centre for Higher Learning.

24A. (1) The Minister may, in consultation with the Commission, by an Order (hereinafter referred to as an “Institution for Higher Learning Order”),—

(a) establish an Institute or Centre for Higher Learning as the case may be, for the purpose of providing, promoting and developing higher education in such branches of learning as may be specified in such Order ; and

(b) assign a name and style to such Institute or Centre for Higher Learning, as the case may be.

(2) The structure, powers duties and functions of an Institute or Centre for Higher Learning, as the case may be, shall be prescribed by Ordinance.”.

12. The following new section is hereby inserted immediately after section 25, and shall have effect as section 25A of the principal enactment :—

Insertion of new section 25A in the principal enactment.

“ Recognition of Degree Awarding Institutes.

25A. Notwithstanding anything to the contrary in any other provision of this Act, the Minister may, subject to the provisions of section 70C, by an Order (hereinafter referred to as a “Degree Awarding Institute Order”) recognize, any Institute not being an Institution referred to in sections 21, 22, 23, 24, 24A and 25 of this Act, as a Degree Awarding Institute for the purpose of developing higher education in such courses of study in such branches of learning as are specified in such Order and subject to such conditions as may be specified therein.”.

13. Section 26 of the principal enactment is hereby amended as follows :—

Amendment of section 26 of the principal enactment.

(1) by the substitution, for the words “Open University Order and University College Order shall be published”, of the words “Open University Order, University College Order, Institution for Higher Learning Order and Degree Awarding Institute Order shall be published” ; and

- (2) by the substitution, in the marginal note to that section, for the expression "23 and 24" of the expression "23, 24, 24A and 25A".

Amendment of section 27 of the principal enactment.

14. Section 27 of the principal enactment is hereby amended as follows :—

- (1) by the repeal of subsection (1) of that section and the substitution therefor of the following subsection :—

"(1) (a) A University Order, Campus Order, Open University Order, University College Order, or Institution for Higher Learning Order may, be amended, varied or revoked by the Minister.

(b) A Degree Awarding Institute Order made under section 25, may be amended, varied or revoked by the Minister."

- (2) by the substitution, in the marginal note to that section, for the expression "23 or 24", of the expression "23, 24, 24A or 25A".

Amendment of section 29 of the principal enactment.

15. Section 29 of the principal enactment is hereby amended in paragraph (1) of that section, by the substitution, for the words "to institute Professorships", of the words "to recommend to the Commission the institution of Professorships".

Amendment of section 32 of the principal enactment.

16. Section 32 of the principal enactment is hereby amended by the substitution, for the words "and shall, when present, preside at any meeting of the Court and at", of the words "and shall preside at".

Amendment of section 34 of the principal enactment.

17. Section 34 of the principal enactment is hereby amended as follows :—

- (1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :—

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

- (2) by the substitution in subsection (2) of that section, for all the words from "He shall be an *ex officio* member of the Court" to "meetings of the Court.", of the following :—

"He shall be an *ex officio* member and Chairman of both the Council and the Senate." ;

- (3) by the repeal of subsection (6) of that section, and the substitution therefor, of the following subsection :—

"(6) The Vice-Chancellor shall be responsible—

(a) for the execution of policies and measures approved by the Council in relation to the University and, subject to such policies, the direction, supervision and control of the University, including its administration ; and

(b) for the maintenance of discipline within a University." ; and.

- (4) by the repeal of subsections (8) and (9) of that section, and the substitution therefor, of the following :—

"(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 Deputy Vice-Chancellor, if any, shall perform such duties. Where there is no Deputy Vice-Chancellor 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.

(9) If any vacancy occurs in the office of Vice-Chancellor—

(a) the Deputy Vice-Chancellor, if any, shall perform the duties of the office of Vice-Chancellor, or

(b) where there is no Deputy 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.

(10) A Vice-Chancellor who, resigns or is removed from office under subsection (1) or in any other way ceases to hold office as Vice-Chancellor, unless re-appointed, may, if he was a member of the staff of a Higher

Educational Institution on the day prior to the date of his appointment as Vice-Chancellor, revert to his substantive post in the staff of such Institution provided he has not completed his sixty-fifth year.”.

Vice-Chancellors of Universities to cease to hold office on the coming into operation of this section.

18. Notwithstanding anything in the principal enactment the Vice-Chancellor of every University established or deemed to be established under the principal enactment shall, on the date of coming into operation of this section, cease to hold office as such Vice-Chancellor :

Provided, however, any Vice-Chancellor who so ceases to hold office, shall be eligible for re-appointment.

Amendment of section 36 of the principal enactment.

19. Section 36 of the principal enactment is hereby amended by the repeal of subsections (4) and (5) of that section and the substitution therefor, of the following subsections :—

“(4) The Rector shall be the Chairman of the Campus Board. He shall be entitled to convene, be present and speak at any meeting of any other body of the Campus, but shall not be entitled to vote at any such meeting unless he is a member of such other body.

(5) The Rector shall be responsible for the maintenance of discipline within the Campus.”.

Amendment of section 37 of the principal enactment.

20. Section 37 of the principal enactment is hereby amended in subsection (3) of that section by the substitution, for the words “secretary of the Court, the Council”, of the words “secretary of the Council”.

Amendment of section 38 of the principal enactment.

21. Section 38 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor, of the following subsection :—

“(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 Rules. He shall have the custody of the funds of the University.”.

Amendment of section 40 of the principal enactment.

22. Section 40 of the principal enactment is hereby amended as follows :—

(1) by the omission of paragraph (i) of that section ; and

(2) by the substitution, for paragraph (v) of that section, of the following paragraph :—

“(v) the Faculty Board or Faculty Boards ; and”.

23. Sections 41, 42 and 43 of the principal enactment are hereby repealed.

Repeal of sections 41, 42 and 43 of the principal enactment.

24. (a) Section 44 of the principal enactment is hereby amended as follows :—

Amendment of section 44 of the principal enactment.

(1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :—

“(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) Deputy Vice-Chancellor, if any ;
- (iii) Rector, if any ;
- (iv) the Dean of the Faculty of Graduate Studies, if any ;
- (v) the Dean of each Faculty ;
- (vi) two members elected by the Senate from among its members ; and
- (vii) such number of members as is equal to the total number of members under paragraph (i), (ii), (iii), (iv), (v) and (vi) above, increased by one. 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) by the repeal of subsections (3) and (4) of that section and the substitution therefor, of the following subsections :—

“(3) Subject to the provisions of subsection (4) any appointed or elected 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 or election, as the case may be, and shall, unless removed from office, be eligible for re-appointment or re-election :

Provided, however, that if any appointed or elected 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) Any appointed or elected member of the Council may resign his office by writing under his hand addressed to the Chairman of the Commission or to the Vice-Chancellor of the University, as the case may be."

(b) Notwithstanding anything in the principal enactment, the appointed and elected members of the Council of every University established or deemed to be established under the principal enactment shall, upon the date of coming into operation of this section, cease to hold office as such members :

Provided, however, any appointed or elected member who so ceases to hold office, shall be eligible for re-appointment or re-election, as the case may be.

Amendment of section 45 of the principal enactment.

25. Section 45 of the principal enactment is hereby amended in subsection (2) of that section, as follows :—

(1) by the substitution, for paragraph (vi) of that subsection, of the following paragraph :—

“(vi) to consider, and if necessary amend, and adopt the annual report and the annual accounts of the University and to submit such report and such accounts to the Commission ;” ; and

(2) by the repeal of paragraph (viii) of that subsection.

Amendment of section 46 of the principal enactment.

26. Section 46 of the principal enactment is hereby amended as follows :—

(1) by the repeal of subsections (2) and (3) of that section and the substitution therefor, of the following subsections :—

“(2) The Senate of the 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 Director of each Institute or Centre for Higher Learning, if any, affiliated to the University ;
- (e) the Dean of the Faculty of Graduate Studies, if any ;
- (f) the Dean of each Faculty ;
- (g) the Head of each Department of Study ;
- (h) every permanent Professor of the University ;
- (i) the Librarian; and
- (j) two teachers, other than those referred to in the preceding paragraphs of this subsection, elected by the permanent teachers of each Faculty, from among their number.

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

Provided, however, where an elected member retires or resigns, or otherwise vacates office by reason of absenting himself from three consecutive meetings of the Senate, another member shall be elected in his place in accordance with the provisions of paragraph (j) of subsection (2), and such other member shall, unless he vacates office earlier, hold office for the unexpired portion of the term of office of his predecessor.”; and

(2) in subsection (6) of that section, by the substitution—

- (a) in paragraph (i) thereof, for the words “the Faculty or the Faculties”, of the words “the Faculty Board or the Faculty Boards” ;
- (b) in paragraph (ii) thereof, for the words “the Faculty or Faculties”, of the words “the Faculty Board or the Faculty Boards”; and
- (c) in paragraph (iv) thereof, for the words “the Faculty or the Faculties”, of the words “the Faculty Board or the Faculty Boards”.

27. Section 48 of the principal enactment is hereby amended as follows :—

(1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :—

“(1) Each Faculty of a University shall consist of the Departments of Study assigned to that Faculty under the provisions of this Act.” :

Amendment of section 48 of the principal enactment.

- (2) by the insertion, immediately after subsection (1), of the following new subsection which shall have effect as subsection (1A), of that section :—

“(1A) Each Faculty of a University shall have a Faculty Board which shall consist of the following persons :—

- (a) the Dean of that Faculty ;
 - (b) all permanent Professors, Associate Professors, Senior Lecturers and Lecturers of the Departments of Study comprising the Faculty ;
 - (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 paragraphs (b) 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 staff of the University elected by the Faculty Board from among persons of eminence in the areas of study relevant to the Faculty ”;
- (3) by the substitution, in subsection (3) of that section, for the words, “provisions of this Act, a Faculty shall”, of the words “provisions of this Act, a Faculty Board shall” ; and

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

“(4) (i) The Dean shall preside at all meetings of the Faculty Board ;

(ii) The members elected under paragraph (e) of subsection (1A) shall be excluded from the proceedings of any meeting of the Faculty Board relating to the election of the Dean under section 49 of this Act, and to examinations and connected matters and any such meeting shall, notwithstanding such exclusion, be deemed to have been duly held.”.

Insertion of new section 48 A in the principal enactment.

28. The following new section is hereby inserted immediately after section 48 and shall have effect as section 48A of the principal enactment :—

„Faculty of Graduate Studies of the University and the Dean thereof.

48A (1) Any University may with the concurrence of the Commission establish a Faculty of Graduate Studies for the purpose of promoting research and providing courses of study leading to higher degrees, and other academic distinctions in the several branches of learning within such University ;

(2) The Commission shall determine by Ordinance the structure, powers, duties and functions of the Faculty and the procedure for the appointment or the election of the Dean of such Faculty, ;

(3) The Dean of the Faculty of Graduate Studies shall be a full-time officer of the University and the academic and Administrative Head of such Faculty.”.

29. (a) Section 49 of the principal enactment is hereby amended as follows :—

Amendment of section 49 of the principal enactment.

(1) by the substitution, in subsection (1) of that section, for the words “elected by the Faculty from among”, of the words “elected by the Faculty Board from among” ;

(2) by the substitution, in subsection (3) of that section, for the words “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” of the words “elected in accordance with subsection (1).”.

(b) Notwithstanding anything in this Act any Dean of a University or University College holding office at the time of coming into operation of this Act, shall hold office for the unexpired portion of the term of his office.

30. Section 51 of the principal enactment is hereby amended as follows :—

Amendment of section 51 of the principal enactment.

(1) by the substitution, in subsection (1) of that section, for the words “recommendation of the Vice-Chancellor.”, of the following :—

“recommendation of the Vice-Chancellor :

Provided that, where the Head of a Department of Study has not been appointed by the Council, the Vice-Chancellor may appoint a Professor, Associate Professor, Senior Lecturer or Lecturer to act in the post of Head of Department for a period not exceeding one month reckoned from the date of his appointment.” ; and

- (2) by the substitution, in subsection (3) of that section, for the words "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.", of the words "appointed in accordance with subsection (1).".

Amendment of section 55 of the principal enactment.

31. Section 55 of the principal enactment is hereby amended in paragraph (f) of that section by the substitution for the words "to institute Professorships", of the words "to recommend to the Commission the institution of Professorships".

Amendment of section 61 of the principal enactment.

32. Section 61 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and the substitution therefor, of the following subsection :—

"(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 Rules. He shall have the custody of the funds of the University College."

Amendment of section 62 of the principal enactment.

33. Section 62 of the principal enactment is hereby amended by the substitution, for paragraph (3) of that section, of the following paragraph :—

" (3) The Faculty Board or Faculty Boards; and "

Amendment of section 63 of the principal enactment.

34. (a) Section 63 of the principal enactment is hereby amended as follows :—

- (1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :—

"(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 ;
- (iii) two members elected by the Academic Syndicate from among its members ; and
- (iv) such number of members as is equal to the total number of members under paragraphs (i), (ii) and (iii) increased by one, appointed by the Commission from among persons who have rendered distinguished service in educational professional, commercial, industrial, scientific or administrative spheres." : and

(2) in subsection (3) of that section, by the substitution for paragraph (b) of that subsection, of the following paragraph :—

“(b) by the omission of paragraph (xvi) of subsection (2) of that section.”.

(b) Notwithstanding anything in the principal enactment, the appointed members of the Board of Management of every University College established under the principal enactment shall, upon the date of coming into operation of this section, cease to hold office as such members :

Provided, however, any member who so ceases to hold office shall be eligible for re-appointment.

35. Section 64 of the principal enactment is hereby amended by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection :—

Amendment of section 64 of the principal enactment.

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

- (a) the Director ;
- (b) the Dean of each Faculty ;
- (c) the Head of each Department of Study ;
- (d) every permanent Professor of the University College ;
- (e) the Librarian ;
- (f) two representatives nominated from among its members, by the Senate of each University to which the University College is affiliated ; and
- (g) two teachers other than those referred to in the preceding paragraphs of this subsection, elected by the permanent teachers of each Faculty from among their number.”.

36. Section 65 of the principal enactment is hereby amended as follows :—

Amendment of section 65 of the principal enactment.

(1) by the insertion, immediately after subsection (1), of the following new subsection which shall have effect as subsection (1A) of that section :—

“(1A) Each Faculty of a University College shall consist of the Departments of Study assigned to that Faculty under the provisions of this Act.” ;

(2) by the repeal of subsections (2) and (3) of that section and the substitution therefor, of the following subsections:—

“(2) Each Faculty of a University College shall have a Faculty Board which shall consist of the following persons :—

- (a) the Dean of that Faculty ;
- (b) all permanent Professors, Associate Professors, Senior Lecturers and Lecturers of the Departments of Study comprising the Faculty ;
- (c) one member, elected by the permanent Assistant Lecturers of the Faculty from among their number ;
- (d) one member of the permanent staff imparting instructions in the Faculty, excluding those referred to in paragraphs (b) and (c), elected from among their number ;
- (e) two students elected by the students of the Faculty from among their number ; and
- (f) three representatives, nominated from among its *ex officio* members, by the corresponding Faculty Board of each University to which the University College is affiliated.

(3) (i) The Dean shall preside at all meetings of the Faculty Board.

(ii) The members elected under paragraph (e) of subsection (2) shall be excluded from the proceedings of any meeting relating to the election of the Dean under section 66 of this Act, and to examinations and connected matters, and any such meeting shall notwithstanding such exclusion, be deemed to have been duly held.” ; and

(3) by the substitution, in subsection (5) of that section, for the word “Faculty” wherever that word appears in that subsection, of the words “Faculty Board”.

37. The following new section is hereby inserted immediately after section 66, and shall have effect as section 66A of the principal enactment.

Insertion of new section 66A in the principal enactment.

"Certain provisions of section 144 to apply, *mutatis mutandis*, to first Secretary and first Treasurer.

66A. The provisions of paragraphs (b) and (c) of section 144, shall, *mutatis mutandis*, apply to and in relation to the first Secretary and the first Treasurer respectively, of a University College".

38. The following new Part is hereby inserted immediately after Part IX, and shall have effect as Part IXA of the principal enactment :—

Insertion of new Part IXA in the principal enactment.

" PART IXA

POWERS OF DEGREE AWARDING INSTITUTES

Powers of Degree Awarding Institutes.

70A. A Degree Awarding Institute recognized by an Order under section 25A shall, with the concurrence of the Specified Authority, have the power—

- (a) to admit students and provide for instruction in such branches of learning as are specified in the Order made under section 25A in respect of such Institute ;
- (b) to hold examinations for the purpose of ascertaining the persons who have acquired proficiency in the courses of study in such branches of learning ;
- (c) to grant and confer, degrees, diplomas, certificates and other academic distinctions on persons who have followed instruction in the courses of study in such branches of learning and passed such examinations ;
- (d) to grant and confer degrees on persons who have conducted research under its supervision and subject to conditions specified by the Specified Authority.

Appointment to Specified Authority.

70b. (1) The Minister may by an Order published in the *Gazette* appoint any person by name or office to be a Specified Authority for the purposes of this part of this Act.

(2) The Specified Authority may with the approval of the Minister delegate any of his powers to such Standing Committees or ad hoc committees consisting of such number of members as may be determined by the Specified Authority or to any officer or servant appointed by such Authority.

Minister to obtain report before making an order under section 25A.

70c. (1) The Minister shall before making a Degree Awarding Institute Order under section 25A in respect of an Institute, obtain a report in relation to such institute, including the educational facilities provided therein, from the Specified Authority.

(2) The Minister may, in consultation with the Specified Authority issue to every Degree Awarding Institute general or special directions as to the exercise by such Institute of its powers and it shall be the duty of every such Institute to comply with every such direction.

Powers of the Specified Authority.

70d. The Specified Authority shall exercise the following powers subject to the direction and control of the Minister :—

(i) determine the requirements for the admission of persons to courses of study at Degree Awarding Institutes ;

(ii) determine in consultation with each Degree Awarding Institute the courses of study which shall be provided in such Institute, being courses of study in such branches of learning as are specified in the Order made under section 25A in respect of such Institute, the examinations to be held to ascertain whether persons who have followed such courses of study have acquired proficiency therein, and the degrees, diplomas and other academic distinctions which shall be awarded as such Institutes ;

- (iii) determine from time to time in consultation with each Degree Awarding Institute the number of students which shall be admitted annually to each such Institute and the apportionment of that number to the different courses of study at such Institute ;
- (iv) determine the qualifications of the teaching staff of Degree Awarding Institutes ;
- (v) determine the facilities to be provided and the academic standards to be maintained at such Degree Awarding Institutes ;
- (vi) appoint such officers and servants as may be necessary for the exercise of its powers under this Act.

Protection for action taken under this Act &c., and under direction of the Specified Authority.

70E. (1) No suit or prosecution shall lie—

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

(2) No writ against person or property shall issue against a member of the Staff of the Specified Authority in any action brought against the Specified Authority.”.

Amendment of section 71 of the principal enactment.

39. Section 71 of the principal enactment is hereby amended as follows :—

(1) by the substitution, in subsection (1) of that section, for the words “prescribed by Ordinance.”, of the following :—

“prescribed by Rules :

Provided however, notwithstanding the provisions of section 72, the governing authority of a Higher Educational Institution may, with the approval of the Commission, appoint experienced persons who have already gained distinction in their subjects to the posts of teacher in any such Institution, for such period and on such terms and conditions as may be agreed upon by the governing authority and such teacher.” ; and

(2) by the substitution for the word “Ordinance” wherever that word appears in that section, of the word “Rules”.

Replacement of section 72 of the principal enactment.

40. Section 72 of the principal enactment is hereby repealed and the following section substituted therefor :—

“Appointment to post of teacher.

72. (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 three years :

Provided that, where the appointment is to a post of Professor or Librarian and the appointee has been previously confirmed in any other post of teacher in that Higher Educational Institution such appointment shall in the first instance, be for a probationary period of only one year.

Provided further, that where the appointment is to a post of teacher, other than that of Professor or Librarian, and the appointee has been previously confirmed in any other post of teacher in that Higher Educational Institution, such appointment shall not be subject to any probationary period.

(2) Every appointment on probation shall be subject to such requirements or conditions as to confirmation as may be provided in the appropriate scheme of recruitment prescribed by Rules.”.

41. Section 74 of the principal enactment is hereby amended by the substitution, for the words “such appointment relates.”, of the following :—

Amendment of section 74 of the principal enactment.

“such appointment relates :

Provided that, where an employee who is in the service of the Commission or of a Higher Educational Institution and who has been confirmed in his appointment, is appointed to the post of Registrar, Secretary, Bursar or Treasurer, as the case may be, of a Higher Educational Institution, other than under the provisions of sections 66A and 144 such appointment shall, in the first instance, be an acting appointment for a period of one year, and shall thereafter be subject to confirmation by the governing authority of the Higher Educational Institution.”.

42. Section 76 of the principal enactment is hereby amended by the substitution, for the words “in the Commission or a Higher Educational Institution,”, of the words “in a Higher Educational Institution,”.

Amendment of section 76 of the principal enactment.

43. Section 78 of the principal enactment is hereby amended by the substitution, for the words, “prescribed by Ordinance.”, of the words “prescribed by Rules.”.

Amendment of section 78 of the principal enactment.

44. Section 79 of the principal enactment is hereby repealed and the following section substituted therefor :—

Replacement of section 79 of the principal enactment.

‘ Interpretation. 79. In this Part “teacher” shall be deemed to include Librarian, Deputy Librarian, Senior Assistant Librarian and Assistant Librarian.’.

45. Section 86 of the principal enactment is hereby amended as follows :—

Amendment of section 86 of the principal enactment.

(1) by the substitution, in paragraph (b) of that section, for the words “otherwise punished against,” of the words “otherwise punished for misconduct, inefficiency or dereliction of duty, against”; and

(2) by the substitution, in paragraph (d) of that section, for the words “Commission or the governing authority of the Higher”, of the words “Commission or the principal executive officer of the Higher”.

Amendment of section 87 of the principal enactment.

46. Section 87 of the principal enactment is hereby amended by the substitution, for the words "the Chairman of the Commission", of the words "the Commission".

Amendment of section 88 of the principal enactment.

47. Section 88 of the principal enactment is hereby amended as follows :—

- (1) by the re-numbering of that section as subsection (1) of that section ; and
- (2) by the addition, immediately after the re-numbered subsection (1) of that section, of the following new subsection :—

"(2) Every Ordinance made by the Appeals Board under this Act shall be published in the *Gazette* and shall come into operation on the date specified therein."

Amendment of section 89 of the principal enactment.

48. Section 89 of the principal enactment is hereby amended by the substitution —

- (a) for the definition of "contributor" appearing in that section of the following definition :—

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

- (b) for the definition of "teacher" appearing in that section of the following definition :—

"teacher" shall be deemed to include Librarian, Deputy Librarian, Senior Assistant Librarian and Assistant Librarian."

Replacement of section 94 of the principal enactment.

49. Section 94 of the principal enactment is hereby repealed and the following section substituted therefor :—

"Deductions prior to payment from the provident fund.

94. Notwithstanding anything in the preceding provisions of this Part and without prejudice to any other right or remedy—

- (a) the quantum 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 ;

(b) 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 ; and

(c) the dues under any bond, agreement or other instrument executed by the contributor under the provisions of which he agrees that such dues shall be a charge on the amount lying to his credit in the provident fund,

shall be a first charge upon the amount lying to the credit of the account of that contributor in the provident fund, and such quantum, payments and dues may be deducted at the time when any payment is made in accordance with the provisions of section 93."

50. The following new section is hereby inserted immediately after section 97, and shall have effect as section 97A, of the principal enactment :—

"Exemption from application of Employees' Trust Fund Act.

97A. The provisions of the Employees' Trust Fund Act, No. 46 of 1980, shall not apply to the Commission or to any Higher Educational Institution."

Insertion of new section 97A in the principal enactment.

51. Section 101 of the principal enactment is hereby amended as follows :—

(1) by the substitution for the words " or the Treasurer of a University College, as the case", of the words " or the Treasurer of a University College or Centre for Higher Learning, as the case ";

(2) by the substitution, for paragraph (a) of that section, of the following paragraph :—

" (a) to keep the accounts of such University, Open University, University College or Centre for Higher Learning; ";

(3) by the substitution, in the proviso to paragraph (d) of that section, for the expression " Open University or University College," wherever that expression appears in that proviso, of the expression " Open University, University College or Centre for Higher Learning,".

Amendment of section 101 of the principal enactment.

Amendment of section 102 of the principal enactment.

52. Section 102 of the principal enactment is hereby amended by the substitution, for the expression "Open University or University College," wherever that expression appears in that section, of the expression "Open University, University College or Centre for Higher Learning,".

Amendment of section 103 of the principal enactment.

53. Section 103 of the principal enactment is hereby amended by the substitution, for the expression "Open University or University College," of the expression "Open University, University College or Centre for Higher Learning,".

Amendment of section 104 of the principal enactment.

54. Section 104 of the principal enactment is hereby amended by the substitution, for the expression "Open University or University College" wherever that expression appears in that section, of the expression "Open University, University College or Centre for Higher Learning,".

Amendment of section 105 of the principal enactment.

55. Section 105 of the principal enactment is hereby amended as follows :—

- (1) by the substitution, for the words "Open University or the Treasurer of a University College, as the case", of the words "Open University or the Treasurer of a University College or Centre for Higher Learning, as the case"; and
- (2) by the substitution, for the expression "Open University or University College," of the expression "Open University, University College or Centre for Higher Learning,".

Replacement of heading appearing in Part XIV of the principal enactment.

56. The following heading is hereby substituted for the heading "STUDENT ASSEMBLIES AND ASSOCIATIONS" appearing in Part XIV of the principal enactment :—

"STUDENT RELATIONS COUNCILS AND OTHER ASSOCIATIONS."

Replacement of section 112 of the principal enactment.

57. Section 112 of the principal enactment is hereby repealed and the following section substituted therefor :—

"Student Relations Council.

112. Each Higher Educational Institution shall have a Student Relations Council consisting of such number of staff and students as may be prescribed by Ordinance, from among persons who are for the time being members of the staff and students, respectively, of that Higher Educational Institution."

58. Section 113 of the principal enactment is hereby repealed.

Repeal of section 113 of the principal enactment.

59. Section 114 of the principal enactment is hereby repealed and the following section substituted therefor :—

Replacement of section 114 of the principal enactment.

"Affiliation with other organization or body.

114. (1) A Student Relations Council or any union, society or other association recognized under section 115 shall have no affiliation with any organization or body outside the Higher Educational Institution to which such Student Relations Council, union, society or other association belongs :

Provided however, in cases where the principal executive officer of the Higher Educational Institution is of the opinion that affiliation with any organization or body would further the objectives of the Student Relations Council or union, society or other association, he may grant approval in writing for such affiliation.

(2) A Student Relations Council or any union, society or other association recognized under section 115 shall have no affiliation with any political organization."

60. Section 115 of the principal enactment is hereby amended in subsection (2) of that section by the substitution for all the words from "the mode of conducting" to the end of that section, of the words "and the duties and functions of the office-bearers."

Amendment of section 115 of the principal enactment.

61. Section 116 of the principal enactment is hereby amended as follows. :—

Amendment of section 116 of the principal enactment.

(1) by the substitution for the expression "Student Assembly", of the expression "Student Relations Council"; and

(2) by the substitution, in the marginal note to that section, for the expression "Student Assembly", of the expression "Student Relations Council".

Amendment of section 117 of the principal enactment.

62. Section 117 of the principal enactment is hereby amended as follows :—

“(1) by the substitution, for paragraph (ii) of that section. of the following paragraph :—

“(ii) the composition of each Student Relations Council;”;

(2) by the repeal of paragraphs (iii) and (iv) of that section ;

(3) by the substitution, for the expression “Student Assembly” wherever that expression appears in that section, of the expression “Student Relations Council”; and

(4) by the substitution, for the marginal note to that section. of the following marginal note :—

“The Commission to prescribe the constitution, duties and functions of the Student Relations Council.”.

Amendment of section 118 of the principal enactment.

63. Section 118 of the principal enactment is hereby amended as follows :—

(1) by the substitution, in subsection (1) of that section—

(a) for the words “any Student Assembly or union”, of the words “any union” ;

(b) for the words “name of that Institution, or acts”, of the words “name of that Institution, obstructs the proper administration of that Institution, or acts”; and

(c) for the words “such Student Assembly, union,”, of the words “such union,”;

(2) by the repeal of subsection (2) of that section ; and

(3) by the substitution, in the marginal note to that section for the words “dissolution of a Student Assembly, union,”, of the words “dissolution of a union,”.

Replacement of heading appearing in Part XVI of the principal enactment.

64. The following heading is hereby substituted for the heading “APPLICATION OF THE GOVERNMENT QUARTERS (RECOVERY OF POSSESSION) ACT” appearing in Part XVI of the principal enactment :—

“APPLICATION OF GOVERNMENT QUARTERS (RECOVERY OF POSSESSION) ACT AND THE STATE LANDS (RECOVERY OF POSSESSION) ACT”.

65. Section 120 of the principal enactment is hereby amended in subsection (2) of that section by the substitution, for sub-paragraph (a) of paragraph (ii) of that subsection, of the following sub-paragraph :—

Amendment of section 120 of the principal enactment.

(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, and includes any person acting in such office ; and ’.

66. The following new section is hereby inserted immediately after section 120, and shall have effect as section 120A, of the principal enactment :—

Insertion of new section 120A in the principal enactment.

* Application of Act No. 7 of 1979 to University lands.

120A. (1) The provisions of the State Lands (Recovery of Possession) Act, No. 7 of 1979, shall apply to University lands subject to the modifications set out in subsection (2).

(2) The provisions of the State Lands (Recovery of Possession) Act, in their application to University lands are modified as follows :—

(i) the words “University lands” shall be substituted for the words “State lands” wherever those words appear in that Act ;

(ii) in section 18 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, and includes any person acting in such office ; and

(b) "State lands," there shall be substituted the following definition :—

“University lands” mean land to which the Commission or a Higher Educational Institution is lawfully entitled to or which may be disposed of by the Commission or by a Higher Educational Institution together with any buildings standing thereon and with all rights, interests and privileges attached or appertaining thereto.’

Amendment of section 121 of the principal enactment.

67. Section 121 of the principal enactment is hereby amended as follows :—

- (1) by the substitution for the words “the Commission, the Appeals Board”, of the words “the Commission, the Specified Authority, the Appeals Board”; and
- (2) by the substitution in the marginal note to that section, for the words “the Commission, the Appeals Board”, of the words “the Commission, the Specified Authority, the Appeals Board”.

Amendments of section 122 of the principal enactment.

68. Section 122 of the principal enactment is hereby amended as follows :—

- (1) by the substitution for the words “the Commission and the Appeals Board”, of the words “the Commission, the Specified Authority and the Appeals Board”; and
- (2) by the substitution in the marginal note to that section, for the words “of Commission and Appeals Board”, of the words “of Commission, Specified Authority and Appeals Board”.

Amendment of section 123 of the principal enactment.

69. Section 123 of the principal enactment is hereby amended as follows :—

- (1) by the substitution for the words “The Commission, the Appeals Board”, of the words “The Commission, the Specified Authority, the Appeals Board”; and
- (2) by the substitution in the marginal note to that section, for the words “The Commission, Appeals Board,” of the words “The Commission, Specified Authority, Appeals Board”.

70. Section 124 of the principal enactment is hereby amended by the substitution for the words, "common interest to the Universities or University Colleges and for advising", of the words "common interest to the Universities, the Open University or University Colleges and for advising".

Amendment of section 124 of the principal enactment.

71. Section 126 of the principal enactment is hereby amended by the substitution for the words "the Commission, the Appeals Board", of the words "the Commission, the Specified Authority, the Appeals Board".

Amendment of section 126 of the principal enactment.

72. Section 127 of the principal enactment is hereby amended by the substitution for the words "The Commission, the Appeals Board", of the words "The Commission, the Specified Authority, the Appeals Board".

Amendment of section 127 of the principal enactment.

73. Section 128 of the principal enactment is hereby amended by the substitution, in subsection (1) of that section, for the words "Open University or the Buddha Sravaka Dharmapithaya", of the words "Open University, Centre for Higher Learning, Degree Awarding Institute or the Buddha Sravaka Dharmapithaya".

Amendment of section 128 of the principal enactment.

74. Section 134 of the principal enactment is hereby repealed.

Repeal of section 134 of the principal enactment.

75. Section 137 of the principal enactment is hereby amended as follows :—

Amendment of section 137 of the principal enactment.

- (1) by the substitution in subsection (1) of that section for the words "the Appeals Board, and any Authority", of the words "the Appeals Board, the Specified Authority, and any Authority";
- (2) by the substitution, in paragraph (c) of subsection (1) of that section for the words "the Appeals Board, or any Authority", of the words "the Appeals Board, the Specified Authority or any Authority,";
- (3) by the substitution, in subsection (2) of that section—
 - (a) for the words "Appeals Board, or by any Authority", of the words "Appeals Board, the Specified Authority or by any Authority";

(b) for the words " Appeals Board, Authority " of the words " Appeals Board, Specified Authority, Authority ".

Amendment of section 142 of the principal enactment.

76. Section 142 of the principal enactment is hereby amended as follows :—

- (1) by the re-numbering of subsection (4) of that section as subsection (3) thereof ; and
- (2) by the addition, immediately after the renumbered subsection (3) of that section, of the following new subsection :—

'(4) Where any person—

- (i) in the Public Service whilst holding a post declared to be pensionable under the Minutes on Pensions, or
- (ii) in the Local Government Service, while holding a post declared to be pensionable under the Local Government Service Pension Scheme Regulations,

has been appointed to the University of Ceylon prior to the date of repeal of the Ceylon University Ordinance (Chapter 186) or to any University established under the Higher Education Act, No. 20 of 1966, and where such person—

- (a) has continued to hold such post by virtue of section 99, in any University established under the Higher Education Act, No. 20 of 1966 that repealed and replaced such Ordinance ; and by section 81, in any University established under the University of Ceylon Act, No. 1 of 1972 that repealed and replaced Act No. 20 of 1966, and
- (b) continues to hold or has held such post by virtue of section 141, in any University established or deemed to be established under the Universities Act, No. 16 of 1978, that repealed and replaced Act No. 1 of 1972, and
- (c) has not contributed to any Provident Fund Scheme established under such Ordinance or Acts,

notwithstanding anything to the contrary in any other provision of this Act, the total period of service of any such person in every such University shall be reckoned as pensionable service and such person may be deemed, to be holding or to have held a pensionable post for the purpose of the Minutes on Pensions or the Local Government Service Pension

Scheme Regulations, as the case may be, and accordingly, any contributions made by every such University to the Consolidated Fund towards the pension of any such person shall be deemed to have been validly contributed as though such post was a pensionable post under the Minutes on Pensions, or the Local Government Service Pension Scheme Regulations, as the case may be.

For the purposes of this section—

“ University ” means—

- (a) the University of Ceylon established under the Ceylon University Ordinance ;
- (b) any University established under the Higher Education Act, No. 20 of 1966 ;
- (c) the University established under the University of Ceylon Act, No. 1 of 1972 ; and
- (d) any Higher Educational Institution established under the Universities Act, No. 16 of 1978’.

77. Section 147 of the principal enactment is hereby amended as follows :

Amendment of section 147 of the principal enactment.

(1) by the insertion immediately after the definition of “ By-law ” of the following new definition :—

‘ “ Degree Awarding Institute ” means any institute recognized under the provisions of section 25A ;’

(2) by the substitution, for the definition of “ Higher Educational Institution,” of the following definition :—

‘ “ Higher Educational Institution ” means a University, Campus, Open University, University College, or Centre for Higher Learning established or deemed to be established under this Act ;’

(3) by the substitution, in the definition of “ Rule ” therein for the words “ the Appeals Board or an Authority ”, of the words “ the Appeals Board, Specified Authority, or an Authority ”;

(4) by the insertion, immediately after the definition of “ Rule ” of the following new definition :—

‘ “ Specified Authority ” shall be the person appointed as a Specified Authority under section 70B of this Act;’ and

(5) by the omission of the definitions of “ administrative staff”, “ non-academic staff”, “ other employee” and “ Statute ” appearing in that section.