



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

NATIONAL INSTITUTE OF
EDUCATION

ACT, No. 28 OF 1985

[Certified on 6th August, 1985]

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L.D.—O 41/84

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL INSTITUTE OF EDUCATION AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the National Institute of Education Act, No. 28 of 1985, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*. Short title and date of operation.

PART I

ESTABLISHMENT OF THE NATIONAL INSTITUTE OF EDUCATION

2. (1) There shall be established an Institute which shall be called the National Institute of Education (hereinafter referred to as the "Institute"). Establishment of the National Institute of Education.

(2) The Institute shall, by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal and may sue and be sued in such name.

3. The objects of the Institute shall be to promote the development of education and in particular to— Objects of the Institute.

- (a) advise the Minister regarding plans, programmes and activities for the development of education in Sri Lanka ;
- (b) provide and promote post-graduate education in the several specialities of education ;
- (c) conduct and promote studies on the education system including its performance, goals, structures, content and methodology and on the social, economic and other aspects of education ;
- (d) initiate and promote innovative practices in the education system including adaptation of technology for educational purposes ;
- (e) provide for the development of professional and gerial competence of personnel in the education system ;
- (f) make available to the Government and other approved organizations, specialist services in education ;

Powers
of the
Institute.

(g) carry out education development programmes approved by the Minister ; and

(h) co-ordinate with other institutions having similar objectives.

4. The Institute shall have the following powers :—

(a) to acquire and hold, any property, movable or immovable and to sell, lease, mortgage, exchange or otherwise dispose of the same :

Provided, however, that no immovable property of the Institute shall be sold without the prior approval in writing, of the Minister ;

(b) to open and maintain, current, savings and deposit accounts, in any bank or banks ;

(c) to accept grants or donations, from persons or bodies of persons, in or outside Sri Lanka ;

(d) to enter into and perform all such contracts as may be necessary for the exercise of its powers, or the performance of its duties ;

(e) to invest any moneys belonging to the Institute including any unapplied income, in any security in which, under the provisions of section 20 of the Trusts Ordinance (Chapter 87) or of any other written law, it is lawful to invest trust moneys, or, to invest any such moneys in the purchase of immovable property in Sri Lanka or vary such investments, or to place in fixed deposit in any bank, any portion of such moneys not required for immediate expenditure ;

(f) to initiate, promote, conduct and co-ordinate research, surveys and investigations in relation to any aspect of the development of the education ;

(g) to conduct training courses and teaching programmes for teachers and other personnel in the education system and award degrees, diplomas and other academic distinctions to persons who have successfully completed such courses and programmes and have passed the prescribed examinations ;

(h) to make grants, to any person or a team of persons or any recognized institute or institutions, for a specific research project or projects related to education ;

(i) to establish, equip and maintain centres for the purposes of study and training ;

- (j) to erect, equip and maintain, for the purposes of the Institute, libraries and laboratories and to provide other services necessary for research and studies in education ;
- (k) to enter into agreements for co-operation with educational or other institutions, whether in Sri Lanka or abroad, having objects wholly or partly similar to those of the Institute, for the exchange of personnel and students and generally for such purposes as may be conducive to their common objects ;
- (l) to levy fees or charges for any service rendered by the Institute ;
- (m) to make rules in respect of the management of the affairs of the Institute ; and
- (n) to do all such other acts or things which in the opinion of the Institute are necessary for, or conducive or incidental to, the attainment of its objects.

5. Without prejudice to the generality of the powers conferred upon it by section 4, the Institute shall exercise, perform and discharge the following academic powers, functions and duties :—

**Academic
powers
of the
Institute.**

- (a) (i) to prescribe by rule, the examinations and other conditions leading to the award of degrees, diplomas and other academic distinctions of the Institute, which are recognized as teaching qualifications under this Act ;
- (ii) to register students of affiliated colleges and teachers for the examinations referred to in subparagraph (i) ;
- (iii) to hold, subject to the provisions of section 10(3), examinations for the purposes of ascertaining the persons who have reached the standards, prescribed by rule, for the award of the degrees, diplomas and other academic distinctions referred to in sub-paragraph (i) ;
- (b) (i) to provide for post-graduate instructions, training and research in the several specialities of education ;

- (ii) to prescribe by rule, the examinations and conditions leading to the award of post-graduate degrees, diplomas and other academic distinctions of the Institute ;
- (iii) to register personnel in the education system to follow courses of study or programmes leading to the award of the post-graduate degrees, diplomas and other academic distinctions referred to in sub-paragraph (ii) ;
- (iv) to hold, subject to the provisions of section 10 (3), examinations for the purposes of ascertaining persons who have reached the standards, prescribed by rule, for the award of the post-graduate degrees, diplomas and other academic distinctions referred to in sub-paragraph (ii) ;
- (c) to grant and confer, degrees, diplomas and other academic distinctions to, and on, persons who have passed the examinations of the Institute and fulfilled the other conditions prescribed by rule ;
- (d) to recognize the examinations passed, and periods of learning or study pursued, by persons seeking admission to, or by students of, the Institute, at Universities or places of learning, having regard to the standard of such examinations and the duration of the courses of study pursued at such Universities or places of learning, and to withdraw such recognition at any time, having regard to the same considerations ;
- (e) to institute Professorships and other academic posts as may be required for the purposes of the Institute ;
- (f) to institute and award scholarships, medals and other prizes ; and
- (g) to register, with the approval of the Minister, Colleges of Education and similar institutions of teacher education as affiliated colleges and to prescribe by rule, the conditions for such registration.

**Adminis-
tration of
Institute
vested in
Council.**

6. (1) The administration, management and control of the affairs of the Institute shall be vested in the Council of the Institute (hereinafter referred to as the "Council").

(2) The Council shall, for the purpose of administering the affairs of the Institute, exercise, discharge and perform, the powers, functions and duties conferred, assigned or imposed, on or to, the Institute by this Act.

(3) It shall be the duty of the Council to prepare, in accordance with regulations made in that behalf, a three year plan of work, the annual plan and programme and the annual budget and shall submit such plans and programmes for approval by the Minister.

7. (1) The Council shall consist of the following :—

Constitu-
tion of the
Council.

(a) *Ex officio* members, namely—

(i) the Secretary to the Ministry of Minister in-charge of the subject of Education who shall be the Chairman (hereinafter referred to as "the Chairman") ;

(ii) The Director-General of the Institute ; and

(b) the following other members, namely—

(i) a representative of the Ministry of the Minister in-charge of the subject of Higher Education appointed by the Minister ;

(ii) a representative of the Ministry of the Minister in-charge of the subject of Finance appointed by the Minister ; and

(iii) eight other persons appointed by the Minister from among persons with experience in the field of education.

(2) A person shall be disqualified from being appointed or from continuing, as a member of the Council, if he is, or becomes, a Member of Parliament.

(3) Every Member of the Council appointed under paragraph (b) of subsection (1) shall vacate office as such member—

(a) if he is removed from office by the Minister ; or

(b) if he resigns his office by letter addressed to the Minister.

(4) (a) Where a member of the Council appointed under paragraph (b) of subsection (1) dies or resigns or is removed from office, the Minister may appoint another person to be a member in place of the member who dies, resigns or is removed from office.

(b) Any member of the Council appointed under paragraph (a) of this subsection, shall, unless he earlier resigns or vacates his office by death or removal, hold office for the unexpired part of the term of office of the member whom he succeeds.

(5) Where a member of the Council appointed under paragraph (b) of subsection (1) is, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another person to act in his place.

(6) Subject to the provisions of subsection (9) every member appointed under paragraph (b) of subsection (1) shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of four years from the date of his appointment to such office.

(7) Every ex officio member of the Council shall hold office as long as he holds the post by virtue of which he is a member of the Council.

(8) One-half of the members of the Council appointed under paragraph (b) (iii) of subsection (1) shall retire every second year.

(9) For the purpose of securing that one-half of the members of the Council appointed under paragraph (b) (iii) of subsection (1) shall retire every second year, the term of office of four of the members first appointed to the Council so specified by the Minister shall terminate at the expiry of a period of two years from the date of appointment.

(10) Any member who vacates his office otherwise than by removal from office under subsection (3) shall be eligible for re-appointment.

(11) The members of the Council may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister in-charge of the subject of Finance

8. The seal of the Institute—

Seal of the
Institute.

- (a) shall be in the custody of such persons as the Council may from time to time determine ;
- (b) may be altered in such manner as may be determined by the Council ; and
- (c) shall not be affixed to any document except with the sanction of the Council and in the presence of a member of the Council who shall sign the document in token of his presence.

9. (1) The Chairman or in his absence the Director-General of the Institute shall preside at meetings of the Council. In the absence of both the Chairman and the Director-General, a member elected by the members present shall preside at such meetings.

Meetings
of the
Council.

(2) The quorum for any meeting shall not be less than four members of the Council.

(3) All questions for decision at any meeting of the Council shall be decided by the vote of a majority of the members present. In the case of an equality of votes, the Chairman or any other member presiding at any meeting of the Council shall, in addition to his own vote, have a casting vote.

(4) Subject to the provisions of subsection (2), the Council may regulate its own procedure in regard to its meetings and the transaction of business at such meetings.

(5) No act or decision or proceeding of the Council shall be invalidated by reason only of the existence of a vacancy among its members or any defect in the appointment of a member thereof.

10. (1) There shall be an Academic Affairs Board of the Institute (hereinafter referred to as the "Board").

Academic
Affairs
Board.

(2) Subject to the provisions of this Act the Board shall be responsible for the academic affairs of the Institute.

(3) The Board shall be responsible for the conduct of examinations held by the Institute in accordance with the rules made in that behalf, and shall recommend to the Council, persons who, having passed the prescribed examinations and having satisfied other prescribed conditions, are eligible for the award of degrees, diplomas, certificates and other academic distinctions of the Institute.

(4) Without prejudice to the generality of the powers conferred on it by subsection (3), the Board shall exercise, perform and discharge, the following powers, duties and functions :—

- (a) to advise the Council on all academic matters ;
- (b) to consider and report on any matter referred to it by the Council ;
- (c) to make recommendations and reports to the Council on matters connected with courses of study, teaching programme or programmes and examinations, conducted or held, by the Institute ;
- (d) to recommend to the Council, the requirements to be imposed for the admission of students to courses of study, teaching programme or, programmes and examinations conducted or held by the Institute ;
- (e) to draft rules relating to courses of study, teaching programme or, programmes and examinations conducted by the Institute and submit such drafts to the Council ;
- (f) to recommend to the Council, names of persons suitable for appointment as examiners at examinations held by the Institute ;
- (g) to recommend to the Council, the institution, abolition or suspension, of Professorships and other academic grades ;
- (h) to recommend to the Council, conditions for the award of scholarships, medals and other prizes ;
- (i) to recommend to the Council the award of exhibitions and other prizes to such persons who have fulfilled the conditions approved by the Council, for the award of such scholarships, medals and prizes ; and
- (j) to appoint with the permission of the Council, committees which may include persons other than the members of the Board.

(5) No decision in relation to any matter referred to in subsection (3) or (4) shall be made by the Council or any officer to whom any power, duty or function in relation to such matter has been delegated, unless the Board has been given an opportunity of recording and transmitting to the Council its recommendations in regard to such matter.

Where the decision of the Council or such officer in regard to any such matter is contrary to the recommendation of the Board, the Council or such officer shall record its or his reasons for not following the recommendations of the Board.

PART II

APPOINTMENT OF THE DIRECTOR-GENERAL OF THE INSTITUTE AND STAFF OF THE INSTITUTE

11. (1) The Minister may appoint to the staff of the Institute, a Director-General (hereinafter referred to as "the Director-General") who shall be the principal executive officer and principal academic officer of the Institute.

Appoint-
ment of the
Director-
General
of the
Institute.

(2) The Director-General appointed under subsection (1) shall, unless he vacates office earlier by death, resignation, or removal, hold office for a period of four years from the date of his appointment.

(3) The Director-General shall, subject to the general direction of the Council, be charged with the administration of the affairs of the Institute and the control of the staff of the Institute. He shall also be responsible for the execution of all the decisions of the Council.

(4) The Director-General shall submit for the consideration of the Council, policies and measures considered by him to be necessary for the purpose of carrying out the objectives of the Institute.

(5) The Director-General shall exercise or perform such powers or duties as may be delegated to him by the Council.

(6) The Director-General shall be entitled to be present, speak and vote at any meeting of any Board or other body established by, or under, this Act.

(7) The Minister may in writing remove the Director-General from office—

- (a) if he becomes permanently incapable of performing his duties ; or
- (b) if he has done an act or a thing which in the opinion of the Minister is of a fraudulent or illegal character or is manifestly opposed to the objectives of the Institute ; or
- (c) if he acts contrary to the national policy.

(8) The office of the Director-General shall become vacant upon the death, removal from office under subsection (7) or resignation by letter in that behalf addressed to the Minister, of the holder of that office.

(9) Unless removed from office under subsection (7), any person who has been appointed as Director-General shall be eligible for re-appointment as Director-General.

(10) If any vacancy occurs in the office of the Director-General, the Minister may appoint a member of the Council to perform the duties of the office of Director-General until an appointment is made under subsection (1).

(11) The Director-General shall be the accounting officer of the Institute.

(12) The Director-General may, with the approval of the Council, whenever he considers it necessary to do so, delegate to any officer or other member of the staff any power, function or duty delegated to him by the Council.

**Staff
of the
Institution.**

12. (1) Subject to the provisions of this Act and any regulations made by the Minister, the Council shall have the power to appoint the staff of the Institute.

(2) Every appointment to the staff of the Institute shall be made by the Council in accordance with the scheme of recruitment and procedures for appointment prescribed by regulations.

(3) Subject to the provisions of this Act and any regulations made by the Minister, the Council shall determine the terms and conditions of the service of the staff of the Institute including wages, salary or other remuneration.

(4) The staff of the Institute shall be subject to the disciplinary control, including power of dismissal, of the Council. The Council may make rules in regard to matters of discipline.

(5) The Council may establish and regulate provident funds and schemes for the benefit of the staff of the Institute and may make contributions to any such fund or scheme.

13. Where the Institute 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 the Institute by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Service to the Institute deemed to be service to the Government for the purposes of certain contracts.

14. (1) At the request of the Council any officer in the public service serving in the Ministry of the Minister may, with the consent of the Secretary to the Ministry of the Minister given with the concurrence of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, and of the officer, be temporarily appointed to the staff of the Institute for such period as may be determined by the Institute with like consent or with like consent be permanently appointed to such staff.

Appointment of public officers to the staff of the Institute.

(2) At the request of the Council, any officer in the public service other than an officer referred to in subsection (1) may, with the consent of that officer and of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Institute for such period as may be determined by the Council with like consent, or with like consent be permanently appointed to such staff.

(3) Where any officer in the public service is temporarily appointed to the staff of the Institute, the provisions of section 13 (2) of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to and in relation to, him.

(4) Where any officer in the public service is permanently appointed to the staff of the Institute, the provisions of section 13 (3) of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to, and in relation to, him.

(5) At the request of the Council, an officer, or servant of any Higher Educational Institution established under the Universities Act, No. 16 of 1978, may, with the consent of that officer or servant, the University Grants Commission and the principal executive officer of that Higher Educational Institution, be temporarily appointed to the staff of the Institute for such period as may be determined by the Council with like consent, or with like consent, be permanently appointed to such staff.

Delegation
of powers
of the
council
to the
Director-
General or
any
Committee
of Council.

15. (1) The Council may delegate to the Director-General or any Committee of the Council, any of its powers, duties or functions.

(2) The Director-General to whom or any Committee to which, any power, duty or function has been delegated under subsection (1) shall exercise, perform and discharge such power, duty or function subject to the directions of the Council.

PART III

FINANCE

Initial
capital
of the
Institute.

16. (1) The initial capital of the Institute shall be such sums as may be granted to the Institute for that purpose by resolution of Parliament.

(2) The capital of the Institute may be increased from time to time by such amounts as may be authorized by any Appropriation Act or by any resolution of Parliament.

Fund
of the
Institute.

17. (1) The Institute shall have its own fund.

(2) There shall be credited to the fund of the Institute—

(a) all such sums of money as may be voted from time to time by Parliament for the use of the Institute;

(b) all such sums of money as may be received by the Institute in the exercise, discharge and performance of its powers, functions and duties; and

(c) all such sums of money as may be received by the Institute by way of loans, donations, gifts or grants from any source whatsoever, whether in or out side Sri Lanka.

(3) There shall be paid out of fund of the Institute—

(a) all such sums of money as are required to defray any expenditure incurred by the Institute in the exercise, discharge and performance of its powers, duties and functions under this Act; and

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

18. The financial year of the Institute shall be the calendar year.

Financial year of the Institute.

19. The provisions of Article 154 of the Constitution relating to the auditing of accounts of a public corporation shall, *mutatis mutandis*, apply to, and in relation to the Institute.

Audit of Accounts.

20. Unless otherwise specially provided for by this Act the provision of Part II of the Finance Act, No. 38 of 1971, shall *mutatis mutandis*, apply to, and in relation to, the financial control and accounts of the Institute.

Certain provisions of the Finance Act No. 38 of 1971 to apply.

PART IV

GENERAL

21. (1) The Minister may, from time to time, give such general directions in writing to the Council as to the exercise of the powers, and the performance of the duties (other than the exercise of any power or the performance of any duty referred to in section 10 (3) or section 10 (4)) of the Institute and the Council shall give effect to such directions.

Powers of Minister in relation to the Council.

(2) The Minister may, from time to time, order all or any of the activities of the Institute to be investigated and reported on by such person or persons as he may specify, and upon such order being made, the Council shall afford all such facilities and furnish all such information as may be necessary to carry out such order.

(3) The Minister may, having regard to the standards prescribed for the award of any degree, diploma or other academic qualification of the Institute, by order in writing, recognize such degree, diploma or other qualification as a teaching qualification. The Minister may, having regard to the same considerations, cancel any order of recognition made under this subsection.

(4) The Minister may approve the three year plan of work, the annual plan and programme and the annual budget submitted to him by the Council. with or without amendments.

22. The provisions of section 128 of the Universities Act No. 16 of 1978 shall not apply to and in relation to, the Institute.

Certain provisions of Universities Act, No. 16 of 1978 not to apply.

State property both movable and immovable to be made available to the Institute.

23. (1) The Minister may by Order published in the *Gazette*, transfer to the Institute such movable property of the Ministry of the Minister as is required for the purposes of the Institute and any movable property so transferred shall, with effect from the date of the Order, vest in and be the property of the Institute.

(2) Any State land or any State building may, subject to such conditions as may be determined by the Minister with the concurrence of the Minister for the time being in charge of the subject of State lands, be made available for the use of, or be alienated to, the Institute for any purpose of the institute including use as a residence for any officer or servant of the Institute.

(3) All transfers of the land to the Institute shall be exempted from any tax or stamp duty.

Council to submit a report of its activities.

24. The Council shall, before the expiry of a period of six months after the closure of each financial year of the Institute, transmit a report giving a full account of the activities of the Institute during that year to the Minister who shall cause copies thereof to be tabled in Parliament.

The Institute deemed to be a scheduled institution within the meaning of the Bribery Act.

25. The Institute 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.

Members and Employees of the Institute deemed to be public servants.

26. All members, officers and servants of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Protection of action taken under this Act.

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

- (a) against the Institute for any act which in good faith is done or purported to be done by it under this Act ;
- (b) any member of the Council, officer, servant or agent of the Institute for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Council.

(2) Any expense incurred by any such person as is referred to in subsection (1) in any suit or prosecution brought against him before any court in respect of any Act which is done by him under this Act or on the direction of the Council shall, if the court holds that the act was done in good faith, be paid out of the fund of the Institute.

28. (1) Subject to the provisions of this Act, the Minister may make regulations for, and in respect of, all or any of the following matters :— **Regulations.**

- (a) the terms and conditions of service, including remuneration, of the staff of the Institute ;
- (b) the scheme of recruitment and procedure for appointment to the staff of the Institute ;
- (c) the composition and the conduct of the affairs of the Board ;
- (d) the form of the three year plan of work, the annual plan and programme and the annual budget of the Institute, the manner in which such plan of work, annual plan and programme and budget is to be prepared ; and
- (e) such other matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation shall, as soon as convenient after publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval, but without prejudice to anything done thereunder.

(4) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded, shall be published in the *Gazette*.