

- (j) to enter into and execute, whether directly or through any officer or agent authorized in that behalf by the Institute, all such contracts or agreements as may be necessary for the discharge of the functions of the Institute ;
- (k) to make rules in respect of the administration of the affairs of the Institute and in relation to its officers and servants including their appointment, promotions, remuneration, disciplinary control, dismissal and the grant of leave to them ;
- (l) to enter into agreements with employers, for the provision of in-house training to trainees, selected for training by the Institute ; and
- (m) to do all such other acts or things which, in the opinion of the Institute, are necessary for, or are conducive or incidental to, the attainment of its objects.

PART II

CONSTITUTION OF THE BOARD

5. (1) The administration, management and control of affairs of the Institute shall be vested in a Board of Governors (hereinafter referred to as the "Board").

Administration of
the Institute
vested in the
Board.

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

(3) It shall be the duty of the Board to prepare, in accordance with regulations made on 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.

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of Sri Lanka Act, No. 59 of 1998*

Constitution of the
board.

6. (1) The Board shall consist of the following :—

(a) ex-officio members, namely—

(i) the Secretary to the Ministry of Minister in charge of the subject of Vocational Training who shall be the Chairman of the Board ;

(ii) the Chairman of the Commission, who shall be the Vice Chairman of the Board ; and

(b) five other members appointed by the Minister, of whom three shall be from among entrepreneurs in the private sector. (hereinafter referred to as "appointed members").

(2) Every appointed member shall, unless he earlier vacates office by resignation, death or removal, hold office for a period of three years from the date of his appointment and shall be eligible for reappointment.

(3) An appointed member may at any time resign his office by letter to that effect addressed to the Minister, and such resignation shall not take effect until it is accepted by the Minister.

(4) Where any appointed member is by reason of illness, infirmity or absence from Sri Lanka for a period not less than three months, temporarily unable to perform the duties of his office, the Minister may appoint some other person to act in his place.

(5) The Minister may, if he thinks it expedient to do so, remove any appointed member from office without assigning any reasons therefor, and thereupon that member shall be deemed to have vacated his office.

(6) (a) Where an appointed member dies or resigns or is removed from office, the Minister shall, having regard to the provisions of section (6) (1) (b), appoint another person to be a member in place of the member who dies, resigns or is removed from office.

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

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

7. A person shall be disqualified from being appointed or continuing as a member of the Board if he—

- (a) is or becomes a Member of Parliament, a Member of a Provincial Council or a Member of a local authority ;
- (b) is under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind ;
- (c) is a person who, having been declared an insolvent, or a bankrupt under any law in force in Sri Lanka or in any other country, remains an undischarged insolvent or bankrupt ; or
- (d) is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or in any other country,

Disqualification from being appointed or continuing as a member of the Board.

8. The Director-General of the Institute appointed under section 16 shall be the Secretary of the Board. He shall be entitled to be present at any meeting of the Board but shall not be entitled to vote thereat.

Secretary of the Board.

9. The Board may act notwithstanding any vacancy among its members and no act or proceeding of the Board shall be or deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of any member thereof.

Acts or proceedings of the Board deemed not to be invalid by reason of any vacancy or defect in the appointment of any member.

8 *National Institute of Technical Education
of Sri Lanka Act, No. 59 of 1998*

Remuneration of
members of the
Board.

10. All or any of the members of the Board shall be remunerated in such manner and at such rates as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Meetings of the
Board.

11. (1) The Chairman or in his absence the Vice Chairman shall preside at all meetings of the Board. In the absence of both the Chairman and the Vice Chairman from any meeting of the Board, a member elected by the members present shall preside at such meeting.

(2) The Meetings of the Board shall be held at least once in every month and the quorum for any meeting of the Board shall be three.

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

(4) Subject to the preceding provisions of this section, the Board may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

Directions of the
Minister.

12. The Minister may give the Board such general or special directions in writing as to the exercise of its powers and the discharge of its functions under this Act and the Board shall give effect to such directions.

Power of Minister
to order
investigation into
activities of the
Institute.

13. The Minister may from time to time, order all or any of the activities of the Institute to be investigated and reported upon by such person or persons as he may specify, and upon such order being made, the Board shall afford all such facilities and furnish all such information, to such person or persons as may be necessary to give effect to such order.

14. The seal of the Institute—

**Seal of the
Institute.**

- (a) shall be in the custody of such person or persons as the Board may from time to time determine ;
- (b) may be altered in such manner as may be determined by the Board ;
- (c) shall not be affixed to any instrument or document except in the presence of two members of the Board both of whom shall sign the instrument or document in token of their presence.

15. (1) The Board may establish as many Academic Affairs Syndicates of the Institute (hereinafter referred to as a "Syndicate") as it may deem necessary, to make recommendations on different fields of technical and vocational training or on any other activity of the Institute.

**Academic affairs
syndicate.**

(2) Each Syndicate shall consist of not less than three members appointed by the Board, from among the members of the staff of the Institute and from among persons of eminence in the respective technical and vocational training fields for which such Syndicate was established.

(3) Subject to the provisions of this Act, a Syndicate shall be responsible for the academic affairs of the Institute within the scope of the activities assigned to such Syndicate.

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

- (a) conduct examinations prescribed by the Institute in accordance with the rules made in that behalf, and recommend to the Board, persons who, having passed such examinations and satisfied other prescribed conditions, are eligible for the award of certificates, diplomas, associate degrees and other academic distinctions of the Institute ;

- (b) advise the Board on matters pertaining to technical and vocational training ;
- (c) consider and report on any matter referred to it by the Board ;
- (d) make recommendations and reports to the Board on matters connected with the courses of study, teaching programme or programmes and examinations, conducted or held, by the Institute ;
- (e) recommend to the Board, the requirements to be imposed for the admission of technical and vocational trainers to courses of study, teaching programmes and examinations conducted or held by the Institute ;
- (f) make rules relating to the courses of study, teaching programmes and examinations conducted by the Institute and submit such rules to the Board for approval ;
- (g) recommend to the Board, names of persons suitable for appointment as examiners at examinations conducted or held by the Institute ;
- (h) recommend to the Board, conditions for the award of scholarships, medals and other distinctions ;
- (i) appoint with the permission of the Board, committees to assist the Syndicate in the performance of its functions and may appoint such persons not being members of a Syndicate to be members of any such committee.

PART III

APPOINTMENT OF THE DIRECTOR-GENERAL AND STAFF OF THE
INSTITUTE

16. (1) The Minister shall, in consultation with the Board, appoint a Director-General who shall be the chief executive officer of the Board. The terms and conditions of employment including the remuneration of the Director-General shall be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Appointment of
Director-General
of the Institute.

(2) The Director-General shall, subject to the general direction and control of the Board, be charged with the direction of the affairs of the Institute, the exercise, discharge and performance of its powers, functions and duties, and the administration and control of the officers and servants of the Institute.

(3) The Director-General may, with the approval of the Board, whenever he considers it necessary to do so, delegate to any officer or servant of the Board, any power, function or duty conferred or imposed on or assigned to him by this Act and such officer or servant shall exercise, discharge and perform such power, function or duty subject to the general or special directions of the Director-General.

(4) The Minister may, without assigning any reason therefor, remove from office the Director-General appointed under subsection (1) and such removal shall not be called in question in any Court.

(5) The office of the Director-General shall become vacant upon the death, removal from office under subsection (4), or resignation by letter in that behalf addressed to the Minister.

(6) Unless removed from office under subsection (4), any person who has been appointed as Director-General shall be eligible for re-appointment as Director-General.

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of Sri Lanka Act, No. 59 of 1998*

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

Staff of the
Institute.

17. (1) The Institute may appoint such officers and servants as it considers necessary for the exercise and performance of the powers and duties of the Institute.

(2) The officers and servants appointed under subsection (1) shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by the Institute.

(3) At the request of the Institute any officer in the public service may, with the consent of that officer and 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 Institute with like consent, or be permanently appointed to such staff.

(4) Where any officer in the public service is temporarily appointed to the staff of the Institute, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis*, apply to and in relation to such officer.

(5) Where any officer in the public service is permanently appointed to the staff of the Institute, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis*, apply to and in relation to such officer.

(6) Where the Institute employs a person who 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 that person under such agreement.

(7) At the request of the Institute, any member of the Local Government Service or any other employee of a Local Authority, may, with the consent of such member, employee and the Local Government Service Commission, or the Local Authority, as the case may be, be temporarily appointed to the staff of the Institute for such period as may be determined by the Institute with like consent or be permanently appointed to such staff on such terms and conditions including those relating to pension or Provident Fund rights as may be agreed upon by the Institute and the Local Government Service Commission or that Local Authority.

(8) Where any member of the Local Government Service or any employee of any Local Authority is appointed temporarily under subsection (7) to the staff of the Institute, he shall be subject to the same disciplinary control as any other member of such staff.

(9) At the request of the Institute, any employee of a Public Corporation may, with the consent of such employee and the Governing Board of such Corporation, be temporarily appointed to the staff of the Institute for such period as may be determined by the Institute with like consent or be permanently appointed to the staff of the Institute with like consent under such terms and conditions, including those relating to pension or Provident Fund rights, as may be agreed upon by the Institute and the Governing Board of such Corporation.

(10) At the request of the Institute, 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 Institute with like consent, or with like consent be permanently appointed to such staff.

Delegation of powers, functions and duties to officers and servants of the Institute.

18. The Institute may delegate any of its powers or functions (other than the power conferred on it by this section) to any officer or servant of the Institute and any such power or function shall be exercised, or discharged by such officer or servant subject to the special or general direction of the Institute.

PART IV

FINANCE

The Fund of the Institute.

19. (1) The Institute shall have its own fund (hereinafter referred to as the "Fund").

(2) There shall be paid into 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, performance, discharge its powers, duties and functions ; and

(c) all such sums of money as may be received by the Institute by way of income, fees, charges, loans, donations, gifts or grants from any source whatsoever, whether from within or outside Sri Lanka.

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

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

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

20. The Institute may, with the concurrence of the Minister and the Minister in charge of the subject of Finance, or in accordance with the terms of any general authority given with like concurrence, borrow, by way of over-draft or otherwise, or negotiate and obtain on credit terms, such sums as the Institute may require for the purpose of discharging its functions under this Act :

Borrowing powers of the Institute.

Provided that the aggregate of the amounts outstanding in respect of any amount borrowed by the Institute under this section shall not at any time exceed such sum as may be determined by the Minister with the concurrence of the Minister in-charge of the subject of Finance.

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

Financial year of the Institute.

22. The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall, apply to the audit of the accounts of the Institute.

Audit of accounts of the Institute.

PART V

GENERAL

23. (1) All property movable and immovable vested in the National Institute of Technical Education of the Department of Technical Education and Training (in this section referred to as the "National Institute of Technical Education") and used on the day preceding the appointed date for the purposes of the National Institute of Technical Education shall be transferred to and for all purposes be deemed to have vested in, the Institute with effect from the appointed date.

Transfer of functions, property, funds or liabilities of the National Institute of Technical Education.

(2) All contracts and agreements entered into, by, or with, the National Institute of Technical Education for the purposes of the Department of Technical Education and Training, and all liabilities incurred by the National Institute of Technical

Education in respect of the Department of Technical Education and Training, and subsisting on the day preceding the appointed date shall be deemed, with effect from the appointed date to be contracts, agreements and liabilities entered into, by or with the Institute and may be enforced accordingly.

(3) The Minister may, for the purpose of facilitating the transfer of functions from the National Institute of Technical Education of the Department of Technical Education and Training to the Institute, make such transitional orders, as are not inconsistent with any written law, which shall have effect for a period not exceeding two years from the appointed date.

Power of the
Minister to vest
State land in the
Institute.

24. (1) Notwithstanding anything in the Crown Lands Ordinance or any other written law, where the Minister considers that any State Land is required by the Institute for the purpose of discharging its functions, the Minister may, with the concurrence of the Minister in charge of the subject of Lands, by Order (hereinafter in this Act referred to as a "Vesting Order") published in the Gazette, vest such land in the Institute with effect from such date as shall be specified in the Order, subject to such restrictions or conditions, if any, as may be specified therein.

(2) A Vesting Order shall, subject to such restrictions and conditions as may be specified therein, have the effect of giving the Institute absolute title to any land specified in such Vesting Order, free from all encumbrances.

Acquisition of
immovable
property under the
Land Acquisition
Act for the
Institute.

25. Where any immovable property of the State is required for the purposes of the Institute, including the use of such property as a residence for any officer or servant of Institute, that property may, if the Minister by Order published in the Gazette approves the proposed acquisition, be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and be transferred to the Institute under that Act.

26. The Board 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 laid before Parliament.

Board to submit a report of its activities to Minister.

27. 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.

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

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

Members of the Board and officers of the Institute deemed to be public servants.

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

Protection of action taken under this Act.

(a) against the Institute for any act which in good faith is done or purported to be done, by the Institute under this Act ; and

(b) against any member of the Board, or any 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 Board.

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

(3) Any expense incurred by any such person as is referred to in paragraph (b) subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done, by him under this Act

or on the direction of the Board shall, if the court holds that such act was done in good faith, be paid out of the fund of the Institute, unless such expense is recovered by him in such suit or prosecution.

Regulations.

30. (1) The Minister may make regulations in respect of any matter 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 under subsection (1) shall be published in the Gazette, and shall come into operation on the date of such publication.

(3) Every regulation made under subsection (1) shall, as soon as convenient after publication in the Gazette, be brought before Parliament for approval and 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 previously done thereunder.

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

Sinhala text to prevail in case of inconsistency.

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

Interpretation.

32. In this Act unless the context otherwise requires—

“local authority” means a Municipal Council, Urban Council or Pradeshiya Sabah and includes any authority created or established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council or Sabha ;

“Provincial Council” means a Provincial Council established by Chapter XVIIIA of the Constitution ;

“University Grants Commission” means the University Grants Commission established by the Universities Act, No. 16 of 1978.