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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B21/78/V.

THE UNIVERSITIES ACT, No. 16 OF 1978

ORDINANCE made by the University Grants Commission under Section 24A read with Section 18 of the Universities Act, No. 16 of 1978.

Secretary,
University Grants Commission.

02nd November, 2005.

Ordinance

1. This Ordinance may be cited as the Postgraduate Institute of English Ordinance No. 4 of 2005 and shall come into operation with effect from 1st October 2005.

2. This Ordinance shall apply to the Postgraduate Institute of English (hereinafter referred to as the “Institute”) established by Order made by the President under Section 24A of the Universities Act, No. 16 of 1978 and published in *Gazette Extraordinary* No. 1417/12 of 31st October, 2005.

3. The Institute shall be attached to the Open University of Sri Lanka (hereinafter referred to as the “University”).

4. Subject to the provisions of the Act and the direction and control of the University Grants Commission (hereinafter referred to as the “Commission”), the Institute shall have power-

- (a) to admit students ;
- (b) to conduct courses in the field of English Language ;
- (c) to provide for instruction, training, research and development and consultancies in English as may be approved by the Commission upon the recommendation of the Institute and the University ;
- (d) to conduct, with the approval of the University, examinations for the purpose of ascertaining the persons who have acquired proficiency in the relevant areas of study and to recommend to the University persons, who have passed such examinations and having satisfied such other conditions as prescribed by By-laws, are eligible for the award of degrees, diplomas, certificates and other academic distinctions of the University ;

- (e) to determine with the approval of the University and with the concurrence of the Commission the degrees, diplomas, certificates and other academic distinctions to be awarded for the various courses of study of the Institute ;
- (f) to co-operate by way of exchange of teachers, students and scholars or otherwise, with Universities or intitutions in Sri Lanka or abroad, having objects similar or substantially similar to those of the Institute ;
- (g) to recommend to the Senate of the University the recognition of examinations passed and the periods of learning or study to be pursued at the University by persons seeking admission to the Institute and where necessary, to withdraw such recognition in accordance with prescribed By-laws ;
- (h) to determine with the concurrence of the University and with the approval of the Commission, the setting up of new Boards of Study ;
- (i) to erect, equip and maintain with the concurrence of the University, libraries, laboratories and other buildings required for instructional, training, research, development or consultancy purposes as are required for the purposes of the Institute ;
- (j) to recommend to the University, the creation of such teaching, administrative and other posts as may be required for the purposes of the Institute and to provide for the abolition or suspension of the same ;
- (k) to establish and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes in consultation with the University ;
- (l) to make arrangements for conducting courses of study or parts of such courses of study in places outside the Institute in accordance with any by-law requiring the provision of the same ;
- (m) to demand and to receive fees in accordance any Rule requiring the payment of the same ; and
- (n) to do all such other acts and things, which are incidental to or consequent upon the powers, duties and funtions aforesaid in order to further the objects of the Institute.

5. The Institute shall have the following officers :-

- (i) the Director;
 - (ii) the holder of any other post declared by the Ordinance to be a post, the holder of which is an officer for the purpose of this paragraph.
6. (1) The first Director of the Institute shall be appointed by the Commission. Every subsequent Directory shall be appointed by the Council of the university (hereinafter referred to as the "Council") with the concurrence of the Commission from among a panel of three persons recommended by the Board of Management of the Institute:

Provided however, that no person shall be appointed as Director for more than two consecutive terms.

- (2) The Director of the Institute shall, unless he vacates office earlier or is removed from office as provided for in sub-paragraph (3), hold office for a period of three years reckoned from the date of his appointment or until he completes his sixty-fifth year, whichever event occurs earlier.
- (3) The Director shall be removed from office by the Council for reasons assigned on a vote of censure passed by not less than two thirds of the total membership of the Board of Management (hereinafter referred to as "the Board") at a special meeting convened for such purpose. The members present at such meeting shall elect one person from amongst themselves, other than the Director, to preside at such meeting.

- (4) A Director who resigns or is removed from office, shall if he was immediately prior to his appointment as Director, a member of the staff of a Higher Educational Institution revert to his substantive post in such Higher Educational Institution, provided that he has not reached the age of retirement of his earlier post.
- (5) Where the Director by reason of illness, absence from Sri Lanka or other cause, is temporarily unable to perform the duties of his office, the Vice Chancellor shall, within seven days of the occurrence of such inability, make such arrangements as he may think fit for the carrying on of the duties of the Director. Until such arrangements are made, the Registrar of the University, (hereinafter referred to as "the Registrar") shall carry on the routine duties of the office.
- (6) If any vacancy occurs in the office of Director, the Vice Chancellor shall, within seven days of the occurrence of such vacancy, make such arrangements as he may deem fit for the carrying on of the duties of the office of Director. Until such arrangements are made, the Registrar shall attend to the duties of Director.
7. (1) The Director shall be the principal executive officer and the principal academic officer of the Institute. He shall be an *ex-officio* member of the Board, and an *ex-officio* member of the Academic Committee of the Institute. He shall be entitled to be present and speak at any meeting of any other Authority or body of the Institute but shall not be entitled to vote at any such meeting unless he is a member of such other Authority or body.
- (2) It shall be the duty of the Director, in accordance with such directions as may from time to time be lawfully issued to him in that behalf by the Board to ensure that the provisions of the Ordinance, the Act or any other Instrument, in so far as they relate to the Institute, are duly observed and, he shall have and may exercise all such powers as he may deem necessary for the purpose.
- (3) It shall be the duty of the Director to give effect to, or cause to be given effect to the decisions of the Board.
- (4) The Director shall be the Accounting Officer of the Institute.
- (5) The Director shall be responsible under direction of the Vice-Chancellor of the University for the maintenance of discipline within the Institute. In the absence of any By-laws relating to discipline, the appropriate By-laws and other rules of the University shall apply.
8. The Institute shall comprise the following :-
 - (i) the Board;
 - (ii) the Board or Boards of Study; and
 - (iii) such other bodies as may be approved by the Commission.
9. The Board shall be the academic and executive body of the Institute and shall consist of-
 - (1) six *ex-officio* members, namely :-
 - (a) the Director;
 - (b) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education or the Secretary to such other Ministry to which the subject of Higher Education may be assigned ;
 - (c) the Chairman of the Commissions Standing Committee on the Teaching of English ;
 - (d) the Head of the Department of English of the University ; and
 - (e) the Professors of English of the University ; and

(2) eight other members, namely :-

- (a) one representative of the Council nominated by the Council from among its members ;
- (b) five Professors of English or the Heads of the Departments in charge of teaching the subjects of English, English Language Teaching and Linguistics (as may be applicable), nominated by the Commission ;
- (c) one member elected by the Senate of the University (hereinafter referred to as “the Senate”) from amongst its members ;
- (d) two members elected by the Boards of Studies from amongst their members ;
- (e) two members appointed by the Commission from among persons who have rendered distinguished service in the technological, educational or administrative spheres ; and
- (f) one nominee of the National Institute of Education to represent Teacher Education.

10. (1) The Chairman of the Board shall be the Chairman of the Commissions Standing Committee on the Teaching of English, who shall preside at all meetings of the Board. In the absence of the Chairman from any meeting of the Board the members shall elect any other member from among the members preside at such meeting.

(2) Any nominated, elected or appointed member shall, unless he vacates office earlier, hold office as a member for a period of three years from the date of his nomination, election or appointment and shall unless removed from office, be eligible for re-nomination, re-election or re-appointment :

Provided however that if any nominated, elected or appointed member vacates his office prior to the expiry of his term, his successor shall, unless he vacates his office earlier, hold office for the unexpired period of the term of office of his predecessor:

Provided further that each nominated, elected or appointed member shall hold office so long as he holds the status by virtue of which he is a member of the Board.

(3) Any, elected member of the Board may resign his office by a written request addressed to the Director.

(4) Any, nominated member of the Board may resign his office by a letter in writing addressed to the Chairman of the Council.

(5) Any, appointed member of the Board may resign his office by a letter in writing addressed to the Chairman of the body that appointed him. Namely, the Commission, the National Institute of Education or the National Education Commission as the case may be.

(6) Any, appointed member of the Board who without leave of absence fails to attend three consecutive meetings of the Board shall be deemed to have vacated his office as a member of the Board, and the appointing authority specified in paragraph (5) shall having regard to the provisions of paragraph (2) (d) of regulation 9 appoint a suitable person to fill the resulting vacancy.

(7) A member of the Board who is an employee of the Institute shall not be entitled to any remuneration, but the other members shall be paid such remuneration or allowances as the Minister in consultation with the Minister in charge of the subject of Finance shall determine.

(8) The quorum for any meeting shall be one- third the total membership of the Board.

(9) The Board shall meet whenever necessary. Provided however, that it meets on not less than eight occasions in each year.

(10) The Chairman of the Board shall, whenever he deems necessary of the total membership of the Board, convene a special meeting of the Board. Such a request shall specify the purpose of such special meeting.

11. (1) Subject to the provisions of the Act and of any appropriate Instrument, the Board shall have the power :-

- (a) to hold, control and administer property movable or immovable of the Institute ;
- (b) to regulate and to determine all matters concerning the Institute in accordance with the provision of the Act and of any other appropriate Instrument ;
- (c) to administer and control the funds made available to the Institute for its general administration and management and for any other specific purpose ;
- (d) to receive and accept with the concurrent of the Commission, bequests, donations and other grants of property movable or immovable made to the Institute ;
- (e) to evaluate the annual report and the audited annual accounts and balance sheet of the Institute and to submit such report and such accounts to the University and the Commission ;
- (f) to prepare or cause to be prepared the estimates of the Institute for the ensuing financial year and upon approval of the same to submit such estimates to the University and the Commission ;
- (g) to recommend to the University in consultation with the Board or Boards of Studies -
 - (i) the degrees, diplomas, certificates and other academic distinctions which shall be awarded in the courses of study ;
 - (ii) the Courses of Study and training to be followed, the examinations to be passed and the other conditions to be satisfied by students who wish to qualify for such certificates and other academic distinctions ;
- (h) to make By-laws or Rules for any matter in respect of which By-laws or Rules are authorized to be made and to submit such By-law or Rule to the Council or the Senate as the case may be for approval :

Provided however, that no By-law or Rule relating to courses of study and examinations shall be made except after consideration of reports from the Board or Boards of Studies as the case may be ;
- (i) to provide the buildings, premises, furniture, equipment and other material needed for carrying on the work of the Institute ;
- (j) to recommend to Commission in consultation with the University :-
 - (i) the creation of such posts inclusive of teaching and administrative posts as may be required for the purposes of the Institute and the abolition or suspension of such posts ; and
 - (ii) the qualifications required of teachers, officers and other employees to be appointed to the Institute ;
 - (iii) persons who are eligible for appointment as teachers and examiners of the Institute ;
- (k) take necessary action to suspend, dismiss or exercise disciplinary control over the employees of the Institute ;
- (l) to appoint such number of Standing Committees or ad-hoc Committees as it may deem fit ; and to specify their terms or reference ; to consider the reports of such Committees and to approve such reports, with or without modification, or to reject such reports ;

- (m) to request the services of persons as are suitable for specific assignments or persons serving in any Faculty of the University suitable for attachment to the Institute ;
 - (n) to recommend to the Commission, in consultation with the Board or Boards of Studies and the concurrence of the University the criteria for the selection and admission of students to courses of study ;
 - (o) to invest with the approval of the Commission, any moneys belonging to the Institute including any unapplied income, in any security in which in terms of the provisions of Section 20 of the Trusts Ordinance or any other written law, it is lawful to invest trust moneys ; or with the approval of the Commission, to invest any such moneys in the purchase of immovable property in Sri Lanka or vary such investments, or to place in fixed deposit in any bank approved by the Commission, any portion of such moneys not required for immediate expenditure ; and
 - (p) to exercise all other powers of the Institute which are incidental to or consequential upon the powers of the Institute as provided for in this Ordinance or any other appropriate Instrument.
- (2) No resolution shall be passed by the Board in relation to any academic matter unless the Board or Boards of Study has first been given an opportunity of recording and forwarding its opinion thereon to the Board :

Provided that no resolution so passed shall be acted upon except with the concurrence of the University :

In this paragraph “academic matter” means any matter which is subject to the control and general direction of the Board or Boards of Study.

12. (1) There shall be a Board or Boards of Study which shall consist of :-

- (a) the Director who shall be the Chairperson ;
 - (b) the person in charge of the learning resources of the Institute, which shall include the library and other media resources or resources relating to information technology ;
 - (c) the permanent teachers of the Institute as are relevant to the Particular Board or Boards of Study as determined by the academic staff of the Institute ;
 - (d) two students elected by the students of the Institute ;
 - (e) two members who are not staff of the Institute, who shall be elected by the Board from among persons of eminence in the area of studies relevant to the Institute ;
 - (f) two persons who are teaching subjects under the purview of the Board, selected by the Commissions Standing Committee on the Teaching of English ; and
 - (g) two teachers not falling within any of the above categories selected by the Commissions Standing Committee on the Teaching of English.
- (2) The Board or Boards of Studies, may with the concurrence of the Board, co-opt one or more than one person for a specific purpose and for a specific period, but not person so co-opted shall have the right to stand for election or to vote at any meeting of the Board or Boards of Studies.
- (3) The quorum for a meeting of the Board or Boards of Studies shall be the least number not less than two thirds of its total membership, excluding co-opted members if any.

(4) The Board or Boards of Studies shall meet whenever necessary, so however, that it meets on not less than six occasions in each year.

(5) The members appointed under sub-paragraph (d) of paragraph (1) shall be-

(a) be excluded from any meeting of the Board or Boards of Studies at which matters relating to examinations or connected with examinations are discussed ; and notwithstanding such exclusion, the meeting shall be deemed to be duly held ; and

(b) hold office during the period of their studentship when they are registered for courses at the Institute.

(6) Each member elected under sub-paragraph (e) of paragraph (1) shall unless he vacates office earlier, hold office for a period of three years reckoned from the date of his election and shall unless removed from office be eligible for re-election :

Provided that if any elected member vacates office prior to the expiry of his term of office, his successor shall, hold office for the unexpired period of the term of office of the member whom he succeeds :

Provided further, that the members elected to hold office shall continue to do so only for so long as such member hold the status by virtue of which he became a member of the Board of Study.

(7) Any elected member of the Board or Boards of Studies may resign his office by a written request addressed to the Director.

(8) The quorum for a meeting of the Board or Boards of Studies shall be one-third its total membership.

13. (1) Subject to the provisions of the Act and of any appropriate Instrument the Board or Boards of Studies shall have control and general direction over instruction, training, research and examinations of the Institute.

(2) Without prejudice to the generality of the powers conferred upon it by sub-paragraph (1), the Academic Committee shall :-

(a) consider and report on any matter referred to it by the Board ;

(b) present recommendations and reports to the Board not being matters connected with the courses of study, teaching programs, training programs, research programs or examinations ;

(c) appoint committees, which may include persons not being members of the Academic Committee, for the purpose of considering and reporting on any special subject or subjects ;

(d) recommend to the Board—

(i) the requirements for the admission of students to courses of study and examination ;

(ii) the persons who are suitable for recognition as teachers or examiners ;

(iii) the 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 ;

(iv) the mode and conditions of competition for fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;

(v) the names of persons suitable for the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes' and

- (e) to exercise all other powers of the Institute related to academic matters which are incidental to or consequential upon the powers of the Institute as provided for in this Ordinance or any other appropriate Instrument.

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

15. (1) The Institute shall have a fund called the Postgraduate Institute of English Fund (hereinafter referred to as the "Fund") into which shall be paid -

- (a) all fees to be paid to the Institute in accordance with the provisions of any appropriate Instrument ;
- (b) all monies voted by Parliament and disbursed by the Commission as grants to the Institute ;
- (c) all income derived from endowments ; and
- (d) such other monies accruing to the Institute from any source whatsoever.

(2) A summary of all sums of money paid into the Funds within the course of a particular month, classified under the appropriate heads of revenue shall, before the end of the next ensuing month, be submitted by the Director to the Commission for its information.

16. It shall be the duty of the Director —

- (a) to keep the accounts of the Institute in such form and manner as may be specified by the Board ;
- (b) to receive all monies paid into the Funds and to credit such monies to the proper head of accounts ;
- (c) make all authorized payments ; and
- (d) to prepare for the Board such estimates as are required by the Commission and the annual financial appropriations of the ensuing year :

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

17. (1) The Institute shall prepare an annual statement of accounts, and statistics relating to its activities in such form and manner and containing such particulars as the Commission may from time to time specify.

(2) the books of accounts of the Institute shall be kept in the office of the Institute.

18. Such provisions of Part XIII of the Act as are relevant to the auditing of the accounts of a Higher Educational Institution shall, *mutatis mutandis*, apply to and in relation to the auditing of the accounts of the Institute.

19. (1) The staff of the Institute shall consist of such officers, teachers and employees as it may with concurrence of the Commission be appointed for exercise, performance and discharge of the powers, duties and functions of the Institute.

(2) The Staff of the Institute shall be provided on release by the University from among its own staff or be appointed by the Commission or the University, as the case may be. The provisions of Part X of the Act shall *mutatis mutandis* apply to and in relation to appointments to the staff of the Institute.

(3) Where an officer, teacher or other employee of the University has been released for service to the Institute on a full - time basis, the Institute shall pay him the salary and the allowances of his substantive post in the University. In any other case, the Institute may pay the officer, teacher or other employees concerned, such allowance as it may determine in consultation with the University and as approved by the Commission.

(4) The staff of the Institute shall be subject to the direction and the disciplinary control of the Director.

20. No act, resolution or proceeding of the Institute shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or any defect or defects in the appointment of such members.

21. In this Ordinance —

“Act” means the Universities Act, No. 16 of 1978 ;

“Appropriate Instrument” has the same meaning as in the Act ;

“Teacher” has the same meaning as in the Act ;

“University Grants Commission” means the University Grant Commission establish under the Universities Act, No. 16 of 1978.