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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.B. 21/78.

THE UNIVERSITIES ACT, No. 16 OF 1978

ORDINANCE made by the University Grants Commission under Section 18 of the Universities Act, No. 16 of 1978, read with Section 24A(2) and 24B of the aforesaid Act.

Secretary,
University Grants Commission.

Colombo,
26th May, 2005.

Ordinance

1. This Ordinance may be cited as the Swamy Vipulananda Institute of Aesthetic Studies Ordinance, No. 01 of 2005 and shall come into operation on 14.03.2005.

2. This Ordinance shall apply to the Swamy Vipulananda Institute of Aesthetic Studies, Eastern University, Sri Lanka (hereinafter referred to as “the Institute”) recognized by Order made under Section 24B of the Universities Act, No. 16 of 1978 (hereinafter referred to as “the Act”) and published in *Gazette Extraordinary* No. 1395/22 of 03.06.2005.

3. Every student registered for a course of study in the Swamy Vipulananda College of Music and Dance on the day immediately preceding the date of the said Order shall be granted upon successful completion of his course, a degree or diploma as the case may be, in the name of the said University and the Institute shall not be competent to grant any degree or other academic distinction granted by the said University.

Provided however that every student shall continue to enjoy the facilities and privileges enjoyed by him as a student of the said College on the day immediately preceding the date of the said Order.

4. Subject to the Provisions of the Act, and the powers, duties and functions of the University Grant Commission (hereinafter referred to as the “Commission”) and the University, the Institute shall have power—

- (a) to admit students ;
- (b) to provide for instruction, training, research and development in such branches of Aesthetic Studies as may be approved by the Commission with the concurrence of the Institute and the University ;
- (c) to conduct, with the approval of the University, examinations for the purpose of ascertaining the persons who have acquired proficiency in Fine Arts and to recommend to the University, persons who, having passed such examinations and having satisfied such other conditions as the University may prescribe by By-laws, are eligible for the award of degrees or diplomas, certificates and other academic distinctions of the University ;
- (d) to determine with the approval of the University and wherever necessary with the concurrence of the Commission, the diplomas and certificates to be awarded in Aesthetic Studies ;
- (e) to co-operate by way of exchange of teachers, students and scholars or otherwise, with Universities or Institutions in Sri Lanka or abroad, having objects similar or substantially similar to those of the Institute ;
- (f) to recommend to the Senate of the University to recognise such examinations passed and periods of learning or study pursued at Universities and places of learning which are on par with the Eastern University, for the benefit of persons seeking admission to the Institute, as being equivalent to such examinations and periods of learning or study in the Institute, or such part thereof, as may be prescribed by By-law, and to withdraw such recognition at any time ;
- (g) to erect, equip and maintain for the purpose of the Institute, libraries, laboratories, studios, theatres and other buildings for instructional, training, research, development or consultancy purposes ;
- (h) to recommend to the University the institution of such teaching, administrative and other posts as may be required for the purpose of the Institute and the abolition or suspension of such posts ;
- (i) to institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (j) 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 providing for the same ;
- (k) to receive fees in accordance with the education policy of the Government and any Rule providing for the same ; and
- (l) to do all such other acts and things, which are incidental to or connected with the powers, duties and functions aforesaid in order to further the objects of the Institute.

5. The Institute shall consist of the following :

- (i) A Board of Management ;
- (ii) An Academic Syndicate ;
- (iii) Departments of Studies ;
- (iv) Such other bodies as may be prescribed by an Ordinance.

6. The Officers of the Institute shall be as follows :

- (v) the Director ;
- (vi) any other person holding a responsible office at the Institute.

7. (1) The first Director of the Institute shall be appointed by the Commission. Every subsequent Director shall be appointed by the Commission upon the recommendation of the Council of the University from a Panel of three persons nominated by the Board of Management of the Institute (hereinafter referred to as the "Board") :

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

- (2) The Director shall, unless he vacates office earlier or is removed from office under 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 Chairman of the Commission on a vote of censure passed by not less than two thirds of the total membership of the Board, at a special meeting convened for the purpose.
 - (4) The Director who resigns or is removed from office may, if he was a member of the staff of a Higher Educational Institution immediately prior to his appointment as Director, revert to his substantive post in such Higher Educational Institution, provided that he has not reached his age of retirement.
 - (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 carrying on the duties of the Office of Director. Until such arrangements are made, the Registrar of the University shall carry on the routine duties of the Office of Director.
 - (6) Where any vacancy occurs in the Office of Director, 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 of Director. Until such arrangements are made, the Registrar of the University shall carry on the routine duties of the Office.
8. (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 of Management, Academic Syndicate and all Boards of Study 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 and the Act, 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, or to ensure that effect is given to the decisions of the Board of Management.
 - (4) The Director shall be the Accounting Officer of the Institute.
 - (5) The Director shall be responsible under the 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.

9. The Board shall be the academic and executive body of the Institute and shall consist of the following :

(1) ex-officio members, namely :-

- (a) the Vice Chancellor, Eastern University of Sri Lanka ;
- (b) the Director ;
- (c) the Secretary to the Ministry of the Minister in Charge of the subject of University Education or his nominee ;
- (d) the Secretary to the Ministry of the Minister in Charge of the subject of Finance or his nominee ;
- (e) The Dean of the Faculty of Arts and Culture of the University ;
- (f) Heads of Each Department of study of the Institute ; and

(2) appointed members, namely :-

- (a) two persons appointed by the Council of the University from among its members ;
- (b) two representatives nominated from among its members, by the Senate of the University and appointed by the Council of the University ;
- (c) three persons appointed by the Commission ;
- (d) two persons nominated by the Academic Syndicate from amongst its members.

10. (1) The Chairman of the Board shall be the Vice Chancellor of the University who shall preside at all meetings of the Board. In the absence of the Chairman from any meeting of the Board, the members of the Board shall elect from among the members present a member to preside at such meeting.

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

Provided however, that if any nominated 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 every nominated or appointed member shall hold office so long as he holds the status by virtue of which he was eligible for appointment or nomination as a member of the Board.

(3) Any nominated or appointed member of the Board may resign his office in writing addressed to the Chairperson of the Commission, or the Vice Chancellor as the case may be.

(4) 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 shall appoint a suitable person to fill the resulting vacancy.

(5) The members of the Board shall be paid such allowances for attending any meeting of the Board as may be determined by the Commission.

(6) The quorum for any meeting shall be not less than one third of its total membership.

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

(8) The Chairman of the Board shall, whenever he deems it necessary or within one week upon the receipt by him of a request in writing from not less than two-thirds of the total membership of the Board, convene a special meeting of the Board, and such request shall embody the purpose of such special meeting.

11. Subject to the Provisions of the Act, the Board shall exercise, perform and discharge the following powers, duties and functions :

- (a) Hold, control and administer property movable or immovable and funds of the Institute ;
- (b) Regulate and determine all matters concerning the Institute in accordance with the Provisions of the Act ;
- (c) Administer any funds placed at the disposal of the Institute for specific purposes ;
- (d) Receive and accept with the concurrence of the Commission, bequests, donations and other grants of movable or immovable property to the Institute ;
- (e) Consider the annual report and the annual accounts of the Institute and submit such report and such accounts to the University and the Commission ;
- (f) Arrange for the preparation and for the approval of the financial estimates of the Institute and submit such estimates to the University and the Commission ;
- (g) Recommend to the University in consultation with the Academic Syndicate the degrees, diplomas, certificates and other academic distinctions which shall be awarded in Aesthetic Studies and 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 degrees, diplomas, certificates and other academic distinctions ;
- (h) Make By-laws or rules for any matter in respect of which By-laws or rules are authorized to be made ;

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 Academic Syndicate ;
- (i) Provide the buildings, premises, furniture, equipment and other material needed for carrying on the work of the Institute ;
- (j) Recommend to the University –
 - (i) the institution of such teaching, administrative and other posts as may be required for the purposes of the Institute and the abolition or suppression of such posts ; and
 - (ii) the qualifications of teachers, officers and other employees to be appointed to the Institute ;
- (k) Recommend to the University for reasons to be stated to suspend, dismiss or otherwise punish persons in the employment of the Institute ;
- (l) Recommend to the University such persons as are suitable for appointment as teachers and examiners of the Institute ;
- (m) Appoint such number of Standing Committees or ad-hoc Committees as it may deem fit ; specify their terms of reference ; consider their reports and approve such reports with or without modification, or reject such reports ;
- (n) Determine, in consultation with the Academic Syndicate and with the concurrence of the University and the Commission, the requirements for the admission of students to courses of study other than the students selected by the Commission under section 15 (vii) of the Act ;