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2nd Session 1966-67



Higher Education Act, No. 20 of 1966

Date of Assent: September 14, 1966

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Higher Education Act, No. 20 of 1966

L.D.—O. 8/66

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL COUNCIL OF HIGHER EDUCATION, FOR THE ESTABLISHMENT, MAINTENANCE AND ADMINISTRATION OF HIGHER EDUCATIONAL INSTITUTES, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent ; September 14, 1966]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Higher Education Act, No. 20 of 1966. Short title.

PART I

Higher Education

2. The expression "higher education" wherever it occurs in this Act or in any other written law made thereunder, or in any other context relating or applicable to any Higher Educational Institute, shall be construed to mean the education provided in the Higher Educational Institutes under this Act. Higher education.

3. The Minister, in his capacity as such, shall be responsible for the general direction of higher education and the administration of this Act. Responsibility of Minister.

4. The Minister, in his capacity as such, may from time to time issue to the National Council of Higher Education such general written directions as he may deem necessary to enable him to discharge effectively his responsibility for higher education and the administration of this Act; and it shall be the duty of— Power of Minister to issue directions to the National Council of Higher Education.

(a) that Council to comply with such directions ;
and

- (b) the governing authority of any Higher Educational Institute to afford such facilities, and to furnish such information, to that Council or any member or officer thereof as may be necessary to enable that Council to comply with such directions.

Power of Minister to cause the activities or administration of Higher Educational Institutes to be investigated and reported upon.

5. For the purpose of enabling him to discharge effectively his responsibility for higher education and the administration of this Act, the Minister, in his capacity as such, may from time to time order all or any of the activities, or the administration, of any Higher Educational Institute to be investigated and reported upon by the National Council of Higher Education.

Duties of the National Council of Higher Education and a Higher Educational Institute in respect of any order made under section 5.

6. It shall be the duty of—

(a) the National Council of Higher Education to comply with any order issued to that Council under section 5; and

(b) the governing authority of the Higher Educational Institute to which that order relates to afford all such facilities, and to furnish all such information, to that Council or any member or officer thereof as may be necessary to enable that Council to comply with any such order.

PART II

National Council of Higher Education

Establishment of National Council of Higher Education.

7. (1) There shall be established a Council which shall be called the National Council of Higher Education (hereafter referred to as the "National Council"), and which shall consist of the persons who are for the time being members of that Council under this Part of this Act.

(2) The National Council shall by the name assigned to it by sub-section (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

(3) The National Council shall have power to acquire, hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of movable or immovable property.

(4) The seal of the National Council shall be in the custody of the Chairman of that Council. The seal of the National Council shall not be affixed to any instrument or document except in the presence of two members of that Council both of whom shall sign such instrument or document in token of their presence.

8. The objects of the National Council shall be

Objects of the
National
Council.

(1) to advise the Minister on—

(a) the apportionment and control of the expenditure on higher education ;

(b) the maintenance of academic standards in Higher Educational Institutes ;

(c) the administration of such Institutes ;

(d) the co-ordination of higher education with the needs of the nation for social, cultural and economic development ; and

(e) any other such matters as the Minister may refer to that Council for its advice ; and

(2) to perform such other functions and duties as are specified in this Act.

9. The National Council shall consist of—

Constitution of
the National
Council.

(a) a Chairman and eight other members all of whom shall be appointed by the Governor-General from among persons of eminence in diverse walks of life, having due regard for the need to include persons of scientific or academic distinction or persons who have achieved distinction in the Arts, Sciences or Technology ; and

(b) the following other members :—

- (i) the persons for the time being holding office as the Vice-Chancellors of Higher Educational Institutes which are Universities, but who shall not be entitled to vote ; and
- (ii) a representative of the Ministry in charge of higher education.

Disqualifications for membership of the National Council.

10. A person shall be disqualified for being appointed a member of the National Council, or from continuing as an appointed member of that Council,—

- (a) if he is an undischarged bankrupt or insolvent ;
or
- (b) if he is convicted of any crime or offence involving moral turpitude ; or
- (c) if he is, under any law in force in the Island, found or declared to be of unsound mind ;
or
- (d) if he is a member of the Senate or the House of Representatives.

Term of office of appointed members of the National Council.

11. Any appointed member of the National Council including the Chairman shall, unless he vacates office earlier, hold office for a term of five years reckoned from the date of his appointment, and shall be eligible for reappointment :

Provided, however, that if any appointed member of the National Council vacates his office prior to the expiration of his term, his successor shall, unless such successor vacates his office earlier, hold office for the unexpired portion of such term.

Resignation of office by appointed members of the National Council.

12. An appointed member of the National Council may resign office—

- (a) if he is not the Chairman of that Council, by writing under his hand addressed to the Chairman ; or
- (b) if he is the Chairman of that Council, by writing under his hand addressed to the Governor-General.

13. If the Chairman or any other appointed member of the National Council is, by reason of illness or other infirmity or absence from Ceylon or other cause, temporarily unable to perform the duties of his office, the Governor-General may appoint a fit person to act in his place.

Acting
appointment to
the National
Council.

14. The members of the National Council, other than the Chairman, shall not be entitled to any remuneration but may be paid such allowances as the Minister shall, in consultation with the Minister of Finance, approve.

Reimbursement
of expenses of
members of the
National
Council.

15. (1) The quorum for a meeting of the National Council shall be seven of whom not less than five shall be members entitled to vote.

Proceedings of
the National
Council.

(2) The Chairman of the National Council shall preside at all meetings of that Council. In the absence of the Chairman from any meeting of that Council, the members of that Council shall elect one of their number to preside at the meeting.

(3) Subject to the provisions of this Act, the procedure for the transaction of business and for the conduct of meetings by the National Council shall be determined in accordance with rules made by that Council under this Act.

(4) All acts done at any meeting of the National Council shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of a member of that Council or that any such member was disqualified, be as valid as if every such member had been duly appointed and was qualified to be such member.

(5) No proceeding or act of the National Council shall be invalidated by reason only of any vacancy in the membership of that Council.

(6) A meeting of the National Council shall be held at least once in each month, and whenever a written requisition to hold any such meeting is made by the Minister to the Chairman of that Council.

16. (1) The Chairman of the National Council shall be the chief executive officer of that Council, and shall be a whole-time officer of that Council.

Chairman of the
National
Council.

(2) The Chairman of the National Council shall be in control of the day to day administration of the affairs of that Council.

(3) The National Council may, by resolution, delegate to the Chairman any of its powers, functions or duties under this Act or any other written law, other than its powers, functions or duties under sections 29, 30 and 33.

(4) In the exercise, discharge or performance of the powers, functions or duties conferred or imposed on him, or delegated to him, under this Act or any other written law, the Chairman of the National Council shall be subject to the general or special directions of that Council.

(5) The Chairman of the National Council shall, notwithstanding that he is the chief executive, and a whole-time, officer of that Council, be deemed not to be a member of the staff of that Council.

(6) The Chairman of the National Council shall be remunerated in such manner as may be determined by the Minister in consultation with the Minister of Finance.

**Staff of the
National
Council.**

17. (1) The Staff of the National Council shall, subject to the approval of the Minister, consist of the following:—

(a) a Secretary; and

(b) such other officers and servants as that Council may deem necessary for the proper and efficient conduct of the business of that Council.

(2) Subject to the other provisions of this Part of this Act, the National Council—

(a) may appoint, dismiss and exercise disciplinary control over, the staff of that Council;

(b) may fix the wages or salary or other remuneration of such staff;

(c) may determine the terms and conditions of the service of such staff; and

(d) may establish and regulate provident funds or schemes for the benefit of such staff, and may make contributions to any such fund or scheme.

(3) Rules may be made by the National Council in respect of all or any of the matters referred to in this section, subject to the approval of the Minister.

18. (1) At the request of the National Council, any officer in the public service may, with the consent of that officer and the Secretary to the Treasury, be temporarily appointed to the staff of that Council for such period as may be determined by that Council with like consent.

Appointment of certain classes of officers and servants to the staff of the National Council.

(2) Where an officer in the public service is temporarily appointed to the staff of the National Council—

- (a) he shall be subject to the same disciplinary control as any other member of such staff;
- (b) if, at the time of his temporary appointment to the staff of that Council, his substantive post in the public service was a post declared to be pensionable under the Minutes on Pensions,—
 - (i) he shall, while in the employ of that Council, be deemed to have been absent from duty in the public service on leave granted without salary on grounds of public policy and accordingly section 10 (i) of those Minutes shall apply to him, and
 - (ii) in respect of him that Council shall pay out of the funds of that Council to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund of Ceylon for every complete month during which he is in the employ of that Council such sum not exceeding twenty-five *per centum* of the salary payable to him in his substantive post in the public service as may be determined by the Minister of Finance; and
- (c) if, at the time of his temporary appointment to the staff of that Council, he was a contributor to the Public Service Provident Fund established under the Public Service

Provident Fund Ordinance, his service to that Council shall, for the purpose of that Ordinance, be deemed to be service to the Government, and accordingly he shall, while he is in the employ of that Council, continue to pay to the Public Service Provident Fund such contributions as he was liable under that Ordinance to pay, and in respect of him that Council shall pay at the close of each financial year out of the funds of that Council to the Deputy Secretary to the Treasury to be credited to the officer's account in the Public Service Provident Fund a sum equivalent to such contribution as the Government is liable to pay to the Public Service Provident Fund in respect of him.

(3) Where the National Council employs any person who has entered into any contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to that Council by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(4) At the request of the National Council, any officer or servant of any Higher Educational Institute which is a University may, with the consent of that officer or servant and the Vice-Chancellor of that University, be temporarily appointed to the staff of that Council for such period as may be determined by that Council 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 that Council and such Vice-Chancellor.

(5) Where any officer or servant of any Higher Educational Institute is temporarily appointed to the staff of the National Council, he shall be subject to the same disciplinary control as any other member of such staff.

19. All members of the National Council and of the staff of that Council shall be deemed to be public servants within the meaning and for the purpose of the Penal Code.

Members of the National Council and the staff of that Council deemed to be public servants.

20. The National Council 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.

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

21. (1) The National Council shall have its own Fund.

Fund of the National Council.

(2) There shall be paid into the Fund of the National Council—

(a) all such sums of money as may be voted by Parliament for the use of that Council ;

(b) all such sums of money as may be received by that Council by way of—

(i) donations, gifts or grants from any source whatsoever; and

(ii) fees charged for services rendered by that Council;

(c) all such sums of money as are required to be paid into such Fund by or under this Act.

(3) There shall be paid out of the Fund of the National Council all sums of money required to defray any expenditure incurred by that Council in the carrying on of its business or in the exercise, discharge and performance of its powers, functions and duties under this Act or any other written law, and all such sums of money as are required to be paid out of such Fund by or under this Act.

22. (1) The National Council shall cause its accounts to be kept in such form and manner as may be determined by the Treasury in consultation with the Auditor-General.

Accounts of the National Council and financial year.

(2) The books of accounts of the National Council shall be kept at the office of that Council.

(3) The financial year of the National Council shall be as determined by that Council.

Audit of
accounts of the
National
Council.

23. (1) The National Council shall have its accounts audited each year by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(2) For the purpose of meeting the expenses incurred by him in auditing the accounts of the National Council, the Auditor-General shall be paid from the Fund of that Council such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from that Council by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund of Ceylon.

(3) For the purpose of this section, the expression "qualified auditor" means—

- (a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant, issued by the Council of that Institute; or
- (b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

The Auditor-
General's report.

24. (1) The Auditor-General shall examine the accounts of the National Council and furnish a report—

- (a) stating whether he has or has not obtained all the information and explanations required by him;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of that Council; and

- (c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of that Council.

(2) The Auditor-General shall transmit his report to the National Council.

25. The National Council shall, on the receipt of the auditor's report each year, transmit such report together with the profit and loss account and the balance sheet to which the report relates, to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives, before the end of the year next following the year to which such accounts and report relate.

Annual accounts with the auditor's report to be transmitted to the Minister.

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

(a) against the National Council for any act which in good faith is done or purports to be done by that Council under this Act, or any Regulations made by that Council thereunder ; or

(b) against any member of that Council or the staff thereof for any act which in good faith is done or purports to be done by him under this Act or any such Regulations, or on the direction of that Council.

Protection for action taken under this Act, etc. or on the direction of the National Council.

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

(3) Any expense incurred by any such person as is referred to in paragraph (b) of sub-section (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purports to be done by him under this Act or any Regulations made by the National Council thereunder, or on the direction of that Council, shall, if the court holds that the act was done in good faith, be paid out of the Fund of that Council, unless such expense is recovered by him in such suit or prosecution.

No writ to issue against person or property of a member of the National Council.

27. No writ against person or property shall issue against a member of the National Council in any action brought against that Council.

PART III

Powers, Functions and Duties of the National Council

Succeeding provisions of this Part of this Act not to prejudice the operation of certain other provisions.

28. The succeeding provisions of this Part of this Act shall be without prejudice to the operation of the provisions of any other Part of this Act which confers or imposes on the National Council any power, function or duty.

General powers of the National Council.

29. (1) The National Council shall have power to do all such acts or things as may be necessary for, or conducive to, the attainment of its objects.

(2) Without prejudice to the generality of the powers conferred on the National Council by sub-section (1), that Council shall have all or any of the following powers:—

- (a) to inquire into or investigate, from time to time, the financial needs of Higher Educational Institutes;
- (b) to prepare, from time to time, in consultation with the Board of Regents of each University, quadrennial budgets for their maintenance and development, or for any other general or special purpose;
- (c) to make recommendations, from time to time, to the Minister as to the nature and amount of grants, out of public funds, which it is desirable or necessary to make to each University;
- (d) to determine, from time to time, the total number of students who shall be admitted annually to each Higher Educational Institute and the apportionment of that number to the different courses of study in that Institute;
- (e) to regulate, in respect of each Higher Educational Institute,—
 - (i) the departments of study which shall be provided and followed;
 - (ii) the conditions relating to the housing and accommodation of the students and staff;

- (iii) the fees to be paid to examiners, invigilators or other persons employed for the purpose of examinations;
 - (iv) the fees to be charged for courses of study, residence, for admission to the examinations, for degrees and diplomas, and for the registration of graduates and students;
 - (v) the numbers and qualifications of students for the award of scholarships, exhibitions and bursaries; and
 - (vi) the general organization of examinations;
- (f) to direct, if that Council deems it necessary so to do, that any building or other accommodation of a Higher Educational Institute which is being used for any purpose shall be used for such other purpose as shall be specified in the direction;
- (g) to do all such other acts or things as may be necessary for effectively exercising any of the powers herein before specified.

(3) In exercising the power conferred on the National Council by paragraph (b) of sub-section (2) in respect of any University, that Council shall, in particular, have due regard to the development of that University, its financial needs and the national purpose which it serves or may serve.

(4) In exercising the power conferred on the National Council by paragraph (d) of sub-section (2) in respect of any Higher Educational Institute, that Council shall, in particular, have due regard to the adequacy or otherwise of the staff, housing or student accommodation, and other facilities of that Institute as well as the national manpower requirements. That Council may, for the purposes of the preceding provisions of this sub-section, consult the Admissions Committee, if any, of each Higher Educational Institute appointed under paragraph (j) (ii) of section 48 (2).

Establishment and maintenance of a Central Agency for regulation of admissions of students to Higher Educational Institutes.

30. (1) The National Council shall establish and maintain, at such place in Ceylon as it may deem most convenient, an agency which shall be called the Central Agency for the regulation of Admissions.

(2) The function of the Central Agency for Admissions shall be to regulate and co-ordinate the admission of students to Higher Educational Institutes in accordance with the directions of the National Council.

Annual report of the National Council.

31. The National Council shall, before the expiration of a period of six months after the close of each financial year of that Council, transmit a report giving a full account of its activities during that year to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives. That Council shall cause copies of that report to be made available for sale to the public at such price as may be determined by that Council.

Power of the National Council to call for information or returns.

32. The National Council may by notice require the governing authority of any Higher Educational Institute, within such period as shall be specified in the notice, to furnish to that Council all such returns or information relating to all such matters as may be necessary to enable that Council to effectively exercise, discharge or perform any of its powers, functions or duties under this Act; and it shall be the duty of that authority to comply with the requirements of such notice.

Power of the National Council to make Regulations.

33. (1) The National Council may make Regulations in respect of all such matters as it may deem necessary to enable it to effectively exercise, discharge and perform its powers, functions and duties under this Act.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the National Council may make Regulations in respect of all or any of the following matters:—

- (a) all matters in respect of which Regulations are authorized or required to be made by that Council by any other provision of this Act;
- (b) the terms and conditions of service of the staff of Universities;
- (c) the schemes of recruitment, and the procedure for appointments, to the staff of Universities;
- (d) the establishment and maintenance of minimum standards of instruction in Universities for the grant of degrees or diplomas;
- (e) the co-ordination of facilities in and around Universities;
- (f) the nature and scope of extension services which may be provided and organized by Universities;
- (g) the recognition of foreign degrees and diplomas and other academic distinctions after consulting the Board of Regents; and
- (h) any other matter connected with, or incidental to, any of the matters herein before mentioned.

(3) Every Regulation made by the National Council under this Act shall be submitted to the Minister for his approval, and shall, after such approval, be published in the *Gazette*.

(4) Every Regulation made by the National Council under this Act which is approved by the Minister and published in the *Gazette* shall come into operation on the date of such publication, or on such later date as may be specified therein.

(5) Every Regulation made by the National Council under this Act shall, as soon as convenient after its publication in the *Gazette*, be brought before the Senate and the House of Representatives for approval. Any such Regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

PART IV

Universities

Incorporation Order for the establishment of a University.

34. (1) On the recommendation of the National Council, the Minister may by Order—

(a) declare that there shall be established a Higher Educational Institute, having the status of a University, which shall be a body corporate for the purpose of providing, promoting and developing higher education in all such branches of learning as shall be specified in the Order ;

(b) assign a name and style to that University; and

(c) specify the location of the place or site which shall be the seat of that University.

(2) An Incorporation Order shall be published in the *Gazette*.

(3) No Incorporation Order shall come into force until it is approved by resolution of the Senate and the House of Representatives.

Effect of the Incorporation Order and general powers of a Higher Educational Institute which is a University.

35. (1) Upon the coming into force of the Incorporation Order, a Higher Educational Institute having the status of a University, with the name and style assigned to it by that Order, shall be deemed to have been established, and by which name the Chancellor, the Pro-Chancellor, the Vice-Chancellor and the members for the time being of the Board of Regents and the Senate shall be deemed to have been constituted a body corporate with perpetual succession and with full power and authority by and in such name—

(a) to sue and be sued in all Courts;

(b) to have and use a common seal and to alter the same at its pleasure;

(c) to purchase any property movable or immovable, and to take, accept and hold any such property which may become vested in it by virtue of any such purchase, or by any grant or donation, lease, testamentary disposition or otherwise;

(d) to sell, hypothecate, lease, exchange, or otherwise dispose of any such property:

Provided, however, that any sale, hypothecation, lease, exchange or other disposition of any such property shall be invalid if the same is made in contravention of any restriction, condition or prohibition imposed by law or by the Instrument or Order by which any such property was vested in the University; and

(e) to exercise, discharge and perform all such powers, duties and functions as may be conferred or imposed on the University by this Act or any appropriate Instrument.

(2) The powers conferred on a University by the preceding provisions of this section shall, unless otherwise expressly provided by this Act or any appropriate Instrument, be exercised by the Board of Regents.

36. (1) The purposes of providing, promoting, and developing higher education and research in such branch or branches of learning as is or are specified in the Incorporation Order shall be the objects of a University.

Objects of a University.

(2) On the recommendation of the National Council, the Minister, may by Order alter—

(a) the objects of a University ; or

(b) the name and style of the University; or

(c) the location of the place or site which is the seat of a University,

by amending the appropriate provisions of the Incorporation Order.

(3) An Order amending the Incorporation Order shall be published in the *Gazette*.

(4) No Order amending the Incorporation Order shall come into force until it is approved by resolution of the Senate and the House of Representatives.

**Powers of a
University.****37. A University shall have power—**

- (a) to provide for instruction in any approved branch of learning ;
- (b) to hold examinations for the purpose of ascertaining the persons who have acquired proficiency in different branches of learning ;
- (c) to co-operate, by way of exchange of teachers, students and scholars or otherwise, with other Universities or authorities in any part of the world which have objects similar or substantially similar to the University ;
- (d) to provide post-graduate courses and for this purpose to co-operate with other Universities or authorities in any part of the world in such manner and for such purposes as the University may determine ;
- (e) to grant and confer degrees, diplomas and other academic distinctions to and on persons who have pursued approved courses of learning in the University and who have passed the examinations of the University ;
- (f) to admit graduates and students of other Universities to equal or similar degrees and courses in the University on such conditions as may be prescribed by Ordinance and to register them as graduates and students of the University ;
- (g) to make all necessary arrangements to conduct external examinations for enabling those not instructed at the University itself to obtain degrees and diplomas of the University ;
- (h) to confer degrees of the University on any persons who are employed by the University as Professors, Readers, Lecturers or otherwise, or who have carried on independent research therein ;
- (i) to confer honorary degrees or other distinctions on approved persons ;
- (j) to recognize the examinations and periods of learning or study passed by persons seeking admission to, or by students of, the University at other Universities or places of learning of University status

as equivalent to such examinations and periods of study in the University, or such part thereof, as may be prescribed by Ordinance, and to withdraw such recognition at any time ;

- (k) to erect, equip, and maintain for the purpose of the University, libraries, laboratories and other buildings whether for instructional or residential purposes ;
- (l) to create Professorships, Readerships, Lectureships, and such other posts as may be required for the purposes of the University ;
- (m) to institute and award Fellowships, Scholarships, Exhibitions, Bursaries, and Medals and other Prizes ;
- (n) to manage Halls of Residence, and to license lodging-houses, for the residence of students of the University ;
- (o) to regulate and provide for the residence, discipline, and moral, mental and physical well-being of officers, teachers and students of the University ;
- (p) to demand and receive such fees as may from time to time be prescribed by Regulation ; and
- (q) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

38. Subject to the provisions of sections 37 (c) and 39, a University shall be open to all persons of either sex and of whatever race, creed or class, who are lawfully in Ceylon otherwise than under the authority of a passport or *visa* granted or issued under the Immigrants and Emigrants Act, and no test of religious belief or profession shall be adopted or imposed in order to entitle any such person to be admitted as a teacher or student of the University, or to hold any appointment therein (other than that of Warden of a Hall of Residence) or to graduate thereat or to hold, enjoy or exercise any advantage or privilege thereof.

Distinctions of race, creed, class or religion prohibited.

Certain
restrictions
on the
application
of section 38.

39. (1) Nothing in the provisions of section 38 shall be deemed or construed to prevent religious instruction being given in a University in any manner which may be prescribed by Statute to those willing to receive it by persons approved for that purpose by the Board of Regents.

(2) Nothing in the provisions of section 38 shall be deemed or construed to prevent any person who is lawfully in Ceylon under the authority of a passport or *visa* granted or issued under the Immigrants and Emigrants Act from being—

(a) employed on the staff of a University in any capacity whatsoever if, but only if, he so lawfully is in Ceylon for the purpose of such employment ; or

(b) admitted as a student of a University if, but only if, he so lawfully is in Ceylon for the purpose of following a course of study as such student.

Power of
Minister to
postpone the
date on which a
University shall
commence to
carry out its
objects.

40. (1) Where the Minister is satisfied that a University which is to be established under this Act will be unable to commence to carry out its objects as from the date of its establishment until arrangements, administrative or otherwise, and the appropriate Instruments, which are necessary to enable it to do so are made under this Act, the Minister may, by Order published in the *Gazette*, authorize the University to postpone such commencement until such date as shall be specified in the Order, and such Order shall be deemed, for the purposes of this Act, to be sufficient authority for the University to postpone the carrying out of such objects until the date so specified.

(2) The date specified in any Order made under sub-section (1) as the date to which a University which is to be established under this Act may postpone the carrying out of its objects may, on or after the date of its establishment but before the first-mentioned date expires, be altered by the Minister by Order published in the *Gazette*.

PART V

The Chancellor and the Officers of
Universities

41. (1) The Governor-General shall be *ex officio* Chancellor of the University. He shall be the head of the University, and shall, when present, preside at any Convocation of the University.

Chancellor and
Pro-Chancellor.

(2) The Minister shall be *ex officio* Pro-Chancellor of the University. He shall, when present, and in the absence of the Chancellor, preside at any Convocation of the University.

42. (1) The Vice-Chancellor of a University shall be a person of eminence appointed by the Minister out of a panel of at least three names recommended by the National Council.

The
Vice-Chancellor
of a University.

(2) The Vice-Chancellor shall be a whole-time officer of a University, and shall be the principal executive and academic officer thereof. He shall be an *ex officio* member and Chairman of the Board of Regents and of the Senate. He shall convene all meetings of such Board, and Senate, and shall, in the absence of the Chancellor, the Pro-Chancellor, and the Vice-Chancellor Emeritus, if any, preside at any Convocation of the University. He shall be entitled to convene, be present at, and speak at, any meeting of any other Authority or body of the University, but shall not be entitled to vote at any such meeting unless he is a member of such other Authority or body.

(3) It shall be the duty of the Vice-Chancellor of a University, in accordance with such directions as may from time to time be issued to him in that behalf by the Board of Regents, to ensure that the provisions of this Act and any appropriate Instruments, are duly observed, and he shall have and may exercise all such powers as he may deem necessary for the purpose.

(4) It shall be the duty of the Vice-Chancellor of a University to give effect, or to ensure that effect is given, to the decisions of the Board of Regents and of the Senate.

(5) The Vice-Chancellor shall be responsible for the discipline of a University.

(6) The Vice-Chancellor of a University shall, unless he earlier vacates office, hold office for a term of five years, or until he has completed his sixty-fifth year, whichever event occurs earlier, and shall thereafter be deemed to have voluntarily retired :

Provided, however, that if, under the preceding provisions of this sub-section, his term of office expires in the course of an academic year he shall continue in that office until the last day of such academic year, and shall thereafter be deemed to have voluntarily retired.

A Vice-Chancellor shall be eligible for reappointment.

(7) If the Vice-Chancellor of a University, by reason of leave, illness, absence from Ceylon, or other cause, is temporarily unable to perform the duties of his office, the Minister may, within a period of fourteen days from the date of such inability, make such arrangements as he may think fit for carrying on the office. Until such arrangements are made, the Secretary thereof shall carry on the routine duties of the office.

The Secretary
and Librarian of
a University.

43. (1) At the request of the Minister, any officer in the public service may, with the consent of that officer and the Secretary to the Treasury, be appointed to the staff of the University as the Secretary thereof for such period as may be determined by the Minister with like consent.

(2) The provisions of sub-section (2) of section 18 shall, *mutatis-mutandis*, apply in relation to any officer in the public service who is temporarily appointed to the staff of a University as the Secretary.

(3) The Secretary shall be responsible for the custody of the records, property and funds of a University, and shall be the *ex officio* Secretary of the Board of Regents and of the Senate.

(4) The Secretary of a University shall, subject to the direction and control of the Vice-Chancellor, be responsible for the general administration of the University, and the disciplinary control of its non-academic staff.

(5) The Secretary shall be the Chief Accounting Officer of a University.

(6) There shall be a Librarian of a University who shall be appointed by the Board of Regents. The Librarian shall be a whole-time officer of the University, and shall exercise, discharge and perform all such powers, functions and duties as may be conferred or imposed on him by this Act or any appropriate Instrument.

PART VI

The Authorities of a University

44. The Authorities of a University shall be the following :—

The Authorities of a University.

- (a) the Board of Regents ;
- (b) the Senate ;
- (c) the Faculties ; and
- (d) such other bodies as may be prescribed by Statute to be such Authorities.

45. (1) The Board of Regents of a University shall consist of the following persons :—

The Board of Regents of a University.

- (a) an *ex officio* member, namely, the Vice-Chancellor who shall also be the Chairman of that Board :

(b) eleven other members all of whom shall be appointed by the National Council from among persons who have rendered distinguished service in educational, professional, commercial, industrial, scientific or administrative spheres, and at least six of whom shall have graduated, after a period of study of at least three years, from any recognized University, or any other educational institute whose status is recognized as equivalent to that of the University; and

(c) the Dean of every Faculty of a University, who shall not be entitled to vote.

(2) A person shall be disqualified for being appointed a member of the Board of Regents of a University, or from continuing in office as an appointed member of that Board,—

(a) if he is an undischarged bankrupt or insolvent; or

(b) if he is convicted of any crime or offence involving moral turpitude ; or

(c) if he is, under any law in force in the Island, found or declared to be of unsound mind ;
or

(d) if he, directly or indirectly, by himself or by any person on his behalf or for his use or benefit, holds or enjoys any right or benefit under any contract, other than his contract of employment, made by or on behalf of the University.

(3) Subject to the provisions of sub-section (4), any appointed member of the Board of Regents of a University shall, unless he vacates office

earlier, hold office for a term of three years reckoned from the date of his appointment, and shall be eligible for reappointment:

Provided, however, that if any appointed member of such Board of Regents vacates his office prior to the expiration of his term, his successor shall, unless such successor vacates his office earlier, hold office for the unexpired portion of such term.

(4) An appointed member of the Board of Regents of a University may resign office by writing under his hand addressed to the Chairman.

(5) If any appointed member of the Board of Regents of a University is, by reason of illness or other infirmity or absence from Ceylon or any other cause, temporarily unable to perform the duties of his office, the National Council may appoint a fit person to act in his place.

(6) The members of the Board of Regents of a University, other than the Chairman, shall not be entitled to any remuneration but may be paid such allowances as the Minister shall, in consultation with the Minister of Finance, approve.

(7) The quorum for a meeting of the Board of Regents of a University shall be seven, of whom not less than five shall be members entitled to vote.

(8) The Chairman of the Board of Regents of a University shall preside at all meetings of that Board. In the absence of the Chairman from any meeting of that Board, the members thereof shall elect one of their number to preside at such meeting.

(9) Subject to the provisions of this Act, the procedure for the transaction of business by the Board of Regents of a University shall be determined in accordance with rules made by that Board under this Act.

(10) The Board of Regents of a University shall meet whenever necessary so however that they meet on not less than six occasions in each academic year.

(11) The Chairman of the Board of Regents of a University may, whenever he thinks fit, convene a special meeting of that Board.

Powers and duties of the Board of Regents of a University.

46. (1) The Board of Regents of a University shall, subject to the provisions of this Act and of any appropriate Instrument, exercise, discharge and perform the powers, functions and duties conferred or imposed on the University.

(2) Subject to the provisions of this Act and of any appropriate Instrument, the Board of Regents of a University shall have, and may exercise and perform, the following powers and duties:—

- (a) to hold, control and administer the property and funds of the University;
- (b) to select a coat of arms for the University, and to determine the form, provide for the custody and direct the use, of the common seal of the University;
- (c) to regulate and determine all matters concerning the University in accordance with the provisions of this Act and of any appropriate Instrument;
- (d) to administer any funds placed at the disposal of the University for specific purposes;
- (e) to receive and accept, and to report to the National Council, bequests, donations and grants of property to the University;
- (f) to consider the annual report, annual accounts, and financial estimates of the University, and to submit such report, accounts and estimates to the National Council;

- (g) to make Statutes or Ordinances for any matter required by this Act to be prescribed by any such Statute or Ordinance, or in respect of which any such Statute or Ordinance is required or authorized to be made;
- (h) to make such Rules as are not authorized to be made by any other Authority;
- (i) to provide the buildings, premises, furniture and apparatus, and other material necessary for carrying on the University;
- (j) to appoint examiners, whether from the staff of the University or from elsewhere, after consideration of the recommendations of the Senate;
- (k) to advise the Vice-Chancellor of the University on all matters relating to the discipline of students of the University, and the promotion of their general health and welfare;
- (l) to establish, maintain, supervise and control Halls of Residence, and to appoint Wardens thereto;
- (m) to enter into, carry out or cancel contracts on behalf of the University, and to invest any moneys belonging to the University, including any unapplied income, in any security in which, under the provisions of section 20 of the Trusts Ordinance or of any other written law, it is lawful to invest trust moneys ; or, with the approval of the National Council, to invest any such moneys in the purchase of immovable property in Ceylon or vary such investments, or to place on fixed deposit in any bank approved by that Council any portion of such moneys not required for immediate expenditure;
- (n) to determine by Ordinance, after consultation with the Senate, the dates for the commencement and the termination of the academic year;

- (o) to determine, after consultation with the Senate, the academic dress or insignia or both of the Chancellor, Pro-Chancellor officers, graduates and students of the University;
- (p) after consideration of the recommendations of the Senate, to advise the National Council on—
 - (i) the institution, abolition or suspension of Professorships, Lectureships, and any other posts, whether teaching or otherwise; and
 - (ii) the qualifications and emoluments of teachers and other officers or employees;
- (q) to exercise all other powers of the University the exercise of which is not otherwise provided for in this Act or any appropriate Instrument:

Provided that no resolution shall be passed by the Board of Regents in relation to any academic matter unless the Senate has first been given an opportunity of recording and transmitting to such Board its opinion thereon.

In this sub-section, "academic matter" includes any matter which is subject to the control and general direction of the Senate under section 48.

(3) The Board of Regents of a University may request any Professor or other teacher, or any officer or employee of the University to furnish such Board with such information as it may require in regard to his official duties and functions; and it shall be the duty of such Professor, or other teacher or officer or employee so requested to comply with such request, and to furnish such information.

(4) Any Professor or other teacher, or any officer or other employee, of a University who is dissatisfied with any decision made by the Board of Regents regarding all or any matters relating to his conditions of service may, within one month of such decision being conveyed to him, appeal to the National Council through that Board. The decision of that Council on such appeal shall be final and conclusive.

47. (1) The Senate of a University shall consist of the following persons:—

The Senate of a University.

(a) the following *ex officio* members, namely,

- (i) the Vice-Chancellor who shall also be the Chairman of the Senate,
- (ii) the Chairmen of the Campus Boards, if any,
- (iii) the Deans of the Faculties,
- (iv) the Professors and Lecturers all of whom shall be in independent charge of departments of studies, and
- (v) the Librarian; and

(b) the following other members, namely, the Professors and Lecturers, other than the Professors and Lecturers referred to in sub-paragraph (iv) of paragraph (a) of this sub-section, elected by the permanent teachers of the Faculties of the University, the permanent teachers of each such Faculty being entitled to so elect two such Professors or Lecturers.

(2) The mode of election of a member of the Senate of a University, and his term of office, shall be as determined by Statute.

(3) The quorum for a meeting of the Senate shall be twelve.

(4) The Chairman of the Senate of a University shall preside at all meetings of the Senate. In the absence of the Chairman from any meeting of the Senate, the members thereof shall elect a person from among those present to act in his place.

(5) Subject to the provisions of this Act and of any appropriate Instrument, the procedure for the transaction of business by the Senate of a University shall be determined in accordance with Rules made by the Senate under this Act.

48. (1) The Senate shall be the academic Authority of a University, and shall have control and general direction of the standards of education and examinations within the University, subject to the provisions of this Act and of any appropriate Instrument.

Powers and duties of the Senate of a University.

(2) Subject to the provisions of this Act and of any appropriate Instrument, the Senate of a University shall have, and may exercise and perform, the following powers and duties:—

- (a) to draft, after consideration of reports from the Faculties, Ordinances relating to courses of study, and to submit such drafts to the Board of Regents for implementation;
- (b) to recommend to the Board of Regents the names of persons suitable for appointment as examiners, after consideration of reports from the Faculty or Faculties concerned in such appointments;
- (c) to recommend to the Board of Regents the institution, abolition, or suspension of Professorships, Readerships, Lectureships, and other teaching posts, in the University;
- (d) to report to the Board of Regents on all Ordinances relating to courses of study in the University;
- (e) to recommend to the Board of Regents schemes—
 - (i) for the organization of new Faculties, and
 - (ii) for the abolition, modification, or revision of the organization of existing Faculties;
- (f) to assign to Faculties their respective subjects of study;
- (g) to consider, and to report to the Board of Regents on, any matters relating to or connected with teaching, courses and syllabuses of study, books, examinations and research, which concern the University as a whole;
- (h) to recommend to the Board of Regents the mode and conditions of competition for Fellowships, Scholarships, Exhibitions, Bursaries, Medals and other Prizes;

- (i) to award Fellowships, Scholarships, Exhibitions, Bursaries, Medals and other Prizes, on such conditions as may be approved by the Board of Regents ;
- (j) to appoint such number of Standing Committees, or other *ad hoc* Committees or Boards of the Senate as it may deem fit, and in particular, but without prejudice to the generality of the preceding provisions of this paragraph,—
 - (i) a Library Committee,
 - (ii) an Admissions Committee,
 - (iii) a Research Committee, and
 - (iv) an Examinations Committee,
 and to specify their terms of reference, and to consider their reports, and to either approve such reports, whether with or without modification, or to reject such reports ;
- (k) to submit, after due consideration, recommendations to the Board of Regents on any matter whatsoever relating to, or connected with, the University.

49. (1) A University may, from time to time, with the concurrence of the National Council and with the approval of the Minister, establish such number of Faculties as it may deem necessary for the attainment of its objects. The University shall assign a suitable name or designation to each such Faculty. Any such Faculty may be so established whether by the addition of Faculties or by the sub-division or combination of an existing Faculty or of existing Faculties, or otherwise.

Faculties and
Deans of
Faculties.

(2) The Minister may from time to time, acting on the advice of the National Council, as respects any University,—

- (a) establish a Faculty with such suitable name or designation as he may assign to such Faculty ; or
- (b) transfer a Faculty, or a department of study comprised in a Faculty, or any particular course of study, from that University to any other University.

(3) Each Faculty of a University shall consist of the following *ex officio* members, namely all such Professors, Readers, Lecturers, and Assistant Lecturers, of the departments of study comprised in such Faculty as have been confirmed in their appointments as such.

(4) The departments of study to be comprised in a Faculty, and the formation of such departments, shall be prescribed by Ordinance.

(5) There shall be a Dean of each Faculty who shall be the academic and administrative head of such Faculty. The Dean shall be elected by the Faculty from among Professors who have been confirmed in their appointments as such and, where possible, who have been Heads of departments of study comprised in such Faculty for a period of at least two years. The Dean shall, subject to the provisions of any appropriate Instrument, hold office for a period of three years. The Dean shall be eligible for reappointment.

(6) When a Dean of a Faculty goes on leave, the Vice-Chancellor shall appoint an acting Dean to serve for the period of absence of the Dean on leave provided the leave does not exceed three months. But where a Dean resigns or retires or goes on leave for a period exceeding three months or is incapacitated or dies, that vacancy shall be filled within one month by the election of a new Dean by the Faculty concerned and the person so elected to fill the vacancy shall serve the remainder of the term of his predecessor.

(7) The Head of a department of study comprised in a Faculty shall be a Professor, or in the absence of a Professor, a Reader or a Senior Lecturer, of the Faculty appointed by the Board of Regents on the recommendation of the Senate.

Powers and
duties of a
Faculty of a
University.

50. Subject to the provisions of this Act and of any appropriate Instrument, a Faculty of a University shall have, and may exercise and perform, the following powers and duties:—

(a) to consider and report on any matter referred to the Faculty for consideration and report by the Senate;

(b) subject to the control of the Senate, to regulate the teaching and research in the departments of study comprised in the Faculty;

- (c) to make recommendations and reports to the Senate on all matters connected with or relating to the courses and subjects of study in the Faculty ;
- (d) to appoint Departmental Committees, which may include members of other Faculties, for the purpose of considering and reporting on any special subject or combination of subjects ;
- (e) to recommend to the Senate persons fit and suitable for appointment as examiners.

51. The constitution, powers and duties, and the term of membership of members (other than *ex officio* members), of such other bodies as shall be declared by Statute to be Authorities of a University shall be prescribed by Statute.

Other Authorities of a University.

PART VII

Convocation of a University

52. A Convocation of a University for the purpose of conferring degrees shall be held once in every year on such date as may be approved by the Chancellor :

Holding of a Convocation of a University.

Provided that a special Convocation of a University may be held at such other time as the Chancellor may determine :

And provided further that the first degrees may be conferred without the holding of a Convocation.

53. The procedure of a Convocation of a University shall be prescribed by Ordinance.

Procedur of a Convocation of a University.

PART VIII

University Campuses

54. (1) On the recommendation of the National Council, the Minister may, from time to time, by Order published in the *Gazette*, in this Act referred to as " a Campus Order ",—

Establishment of a Campus of a University.

- (a) establish a Campus of the University ;
- (b) assign a suitable name or designation to such Campus ;
- (c) specify the site or location of such Campus, being a site or location which shall not be at the seat of the University ;

- (d) assign a Faculty or Faculties to such Campus ;
and
- (e) specify the department or departments of study comprised in such Faculty or Faculties.

(2) On the recommendation of the National Council the Minister may, at any time, amend, vary or revoke a Campus Order by a subsequent Order published in the *Gazette*.

A Campus Board.

55. (1) There shall be a Campus Board for a Campus of a University which shall consist of the following members, namely,—

- (a) the Deans of the Faculties of the Campus ;
- (b) two representatives elected by and from among the Professors of the Faculties of the Campus ;
- (c) two representatives elected by and from among the Lecturers of such Faculties ;
- (d) two representatives elected by and from among the teachers of such Faculties ;
and
- (e) two representatives elected by and from among the Wardens in charge of Halls of Residence of the Campus.

(2) The Campus Board of a Campus shall be responsible for the internal administration of the Campus of a University, and may make Rules, with the approval of the Board of Regents, in respect of all matters relating to or connected with such internal administration.

(3) Subject to the provisions of sections 42 (5) and 46 (2) (k), the Campus Board of a Campus—

- (a) shall be responsible for the maintenance of discipline in the Campus ; and
- (b) shall be responsible for making arrangements for the general health and welfare of, and the provision of amenities for, persons attached to the Campus.

(4) There shall be a Chairman of the Campus Board of a Campus of a University who shall be the administrative head of the Campus. Such

Chairman shall be subject to the general direction and control of the Vice-Chancellor.

(5) The Chairman of the Campus Board of a Campus shall be elected by the Board from among such of its members as are Deans of Faculties. His term of office shall be a period of one year reckoned from the date of his election. Such Chairman shall not be eligible for re-election as Chairman until the expiration of a period of two years reckoned from the date of the expiration of his previous term of office as Chairman.

(6) The quorum for meetings of, and the procedure for the transaction of business by, the Campus Board of a Campus shall be prescribed by Rules made by that Board.

PART IX

Statutes, Ordinances and Rules

56. (1) Subject to the provisions of this Act, Statutes may be made in respect of all or any of the following matters:—

Statutes.

- (a) the filling of vacancies, and the convening of any Authority or other body of a University, where not otherwise provided for;
- (b) the maintenance of a register of registered graduates of a University;
- (c) the determination of the degrees, diplomas and other academic distinctions to be conferred by a University;
- (d) the conferment of honorary degrees by a University;
- (e) the conditions of residence and the discipline of students, and the appointment of Wardens of Halls of Residence, of a University;
- (f) the institution and award of Scholarships, Exhibitions, Bursaries, Medals and other Prizes in a University for which funds or property may in any manner whatsoever be provided, and the making of Rules respecting the same and the tenure thereof;
- (g) the interpretation of the Statutes, Ordinances and Rules;

- (h) all matters for which, under the provisions of this Act, Statutes are authorized or required to be made ;
- (i) all matters which under the provisions of this Act are to be or may be prescribed by Statute.

(2) Every Statute which has been made by the Board of Regents of a University shall be submitted to the Minister through the National Council. The Minister may refer the Statute back to that Board through that Council, or may assent thereto.

(3) Every Statute shall, when assented to by the Minister, be published in the *Gazette*, and shall come into force on the date of such publication.

Ordinances.

57. (1) Subject to the provisions of this Act and the Statutes, Ordinances may be made in respect of all or any of the following matters :—

- (a) the courses of study to be prescribed for all degrees or diplomas of a University ;
- (b) the conditions under which students shall be admitted to the degree or diploma courses of study of a University and to the University examinations, and be eligible for degrees and diplomas ;
- (c) the conditions of residence of students of a University ;
- (d) the formation of departments of study in the Faculties of a University with the concurrence of the National Council and with the approval of the Minister ;
- (e) the constitution, powers, and duties of any Board, Committee or other body of a University, where such matters have not been otherwise determined ;
- (f) the conditions and mode of appointment, duties and emoluments, of examiners, and the conduct and standard of examinations ;
- (g) all matters for which, under the provisions of this Act or of the Statutes, Ordinances are authorized or required to be made ;
- (h) all matters which, under the provisions of this Act or of the Statutes, are to be or may be prescribed by Ordinance.

(2) No Ordinance shall be made by the Board of Regents of a University in respect of any matter

relating to or connected with teaching in, or the examination of, the University unless a draft of such Ordinance has been prepared and submitted to that Board by the Senate.

(3) Any Ordinance made by the Board of Regents shall come into force on such date as shall be specified therein.

58. (1) Subject to the provisions of this Act and of any appropriate Instrument, the Authorities and other bodies of a University may make Rules—

Rules by Authorities and other bodies of a University.

(a) for all matters which, under the provisions of this Act or of any appropriate Instrument, are to be or may be prescribed by Rules made by any such Authority or other body;

(b) for all matters in respect of which, under the provisions of this Act or of any appropriate Instrument, Rules are required or authorized to be made by any such Authority or other body;

(c) for all other matters solely concerning any such Authority or other body and not provided for by this Act or any appropriate Instrument.

(2) Any Rule made by any Authority or other body of a University may, at any time, be amended, varied or revoked by a like Rule made by such Authority or other body.

PART X

Student Unions and Student Councils of a University

59. (1) Each Faculty of a Campus or a University may have a union called the Students' Union, in this Act called a "Faculty Students' Union", consisting of the persons who are for the time being students of that Faculty.

Student Unions of a Campus or University.

(2) A Faculty Students' Union shall have a President, a Vice-President, a Secretary and a Treasurer who shall be the office-bearers of that Union.

60. (1) Each Campus or a University shall have a council called the Students' Council, in this Act referred to as a "Students' Council", consisting of

Student Councils of a Campus or a University.

the following *ex officio* members, namely, the President, the Vice-President, the Secretary and the Treasurer, of each Faculty Students' Union of that Campus or University.

(2) The functions of the Students' Council of a Campus or a University shall be—

- (a) to foster a spirit of corporate life among students of the University generally, and in particular, among students of that Campus or that University;
- (b) to organize and supervise, subject to the direction and control of the Vice-Chancellor of the University, student welfare facilities in that Campus or that University including recreational facilities, spiritual and religious activities, and the supply of meals and refreshments;
- (c) to make representations to the Vice-Chancellor of the University on all matters relating to, or connected with, the living and working conditions of the students of that Campus or that University;
- (d) to be represented on any body which may, in accordance with Rules made by the Senate for the purpose, be appointed to undertake student welfare activities in that Campus or that University;
- (e) to assist the University authorities to maintain discipline among students;
- (f) to represent students who are the accused in disciplinary inquiries; and
- (g) to undertake such other activities as may be determined by the Board of Regents from time to time.

Certain prohibitions imposed on Student Councils, etc.

61. No Students' Council, or Faculty Students' Union, of a Campus or a University shall have any affiliation with any political party whatsoever.

Power of Board of Regents of a University in relation to student organizations in certain circumstances.

62. If any Faculty Students' Union, or any Students' Council, of a Campus or a University conducts itself in a manner which is considered detrimental or prejudicial to the well-being of the University, or violates any Rules made under this Act, the Board of Regents may suspend, or dissolve such Union or Council.

PART XI

Appointments, etc., to the Staff of a University

63. (1) The schemes of recruitment to the staff of a University shall, subject to the provisions of this Act, be as determined by Regulations made by the National Council.

Schemes of recruitment to the staff of a University.

(2) Where a University 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 University by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

64. (1) Every appointment to a post of Professor or Reader in a University shall be made by the Board of Regents, upon the recommendation of a Selection Committee appointed by that Board. Subject to the condition that at least one-half of the members of that Committee shall also be members of the Senate among whom shall be the Dean of the Faculty and the Professor or Head of the Department to which the appointment is to be made (where such a Professor or Head of Department is himself not a candidate for the post) that Committee shall be constituted in such manner as may be prescribed by Statute.

Appointments, etc., to the staff of a University.

(2) Every appointment to any post, other than that of Professor or Reader, in a University shall be made by the Board of Regents in accordance with the procedure laid down by Regulations made by the National Council.

(3) Every appointment to a post of Professor or Reader in a University shall, in the first instance, be an acting appointment for a period of one year, and shall be thereafter subject to confirmation by the Board of Regents:

Provided, however, that the preceding provisions of this sub-section shall not apply, if the Board of Regents so determines.

(4) Every appointment to a post of teacher, other than that of Professor or Reader, in a University—

(a) shall, in the first instance, be for such probationary period of not less than one year as may be determined in accordance

with the schemes of recruitment embodied in the Regulations made by the National Council; and

(b) shall be subject to such requirements or conditions as to confirmation as may be provided in such schemes.

(5) The holder of a post of Professor, or Reader, or any teacher, in a University who has been confirmed in his post shall continue in that post until he has completed his sixty-second year, or if he completes his sixty-second year in the course of an academic year, until the last day of such academic year, and shall thereafter be deemed to have voluntarily retired:

Provided, however, that the holder of any such post may, at any time, be suspended pending, or dismissed or compulsorily retired after, an inquiry by the Board of Regents for misconduct, inefficiency or dereliction of duty on a resolution supported by not less than one-half of the number of voting members of the Board of Regents:

And provided further that the holder of the post of Professor may, in special circumstances, be given by the Board of Regents, with the approval of the National Council, extensions of service for a period of one year at a time until he completes his sixty-fifth year and he shall thereafter be deemed to have voluntarily retired.

(6) (a) Every appointment to a post, other than that of Professor or Reader or any other teacher, in a University, shall, in the first instance, be for a probationary period of three years, and shall thereafter be subject to confirmation by the Board of Regents on the recommendation of the appropriate authority of the University.

(b) The holder of any post, other than that of Professor or Reader or any other teacher, in a University shall continue in office until he completes his fifty-fifth year, and he shall thereafter be deemed to have voluntarily retired from service:

Provided, however, that the holder of any such post may, at any time, be suspended pending, or dismissed or compulsorily retired after, an inquiry by the Board of Regents for misconduct, inefficiency or dereliction of duty on a resolution supported by not less than one-half of the number of voting members of the Board of Regents:

And provided further that the holder of any such post may, in special circumstances, be given by the Board of Regents extensions of service for a period of one year at a time until he completes his sixtieth year, and he shall thereafter be deemed to have voluntarily retired.

(7) Every holder of a post in a University who is dismissed or compulsorily retired from his post may appeal against such dismissal or retirement to the National Council whose decision in such appeal shall be final and conclusive.

(8) For the purposes of this section, the term—

- (a) “Professor” shall be deemed to include a Librarian; and
- (b) “teacher” shall be deemed to include an Assistant Librarian.

PART XII

University Provident Fund

65. In this Part of this Act—

“age of voluntary retirement”, in relation to a contributor—

- (a) who is the holder of a post of Professor, Reader, or any other teacher, in a University means sixty-two; and
- (b) who is the holder of any other post in a University means fifty-five;

“contributor” means any member of the staff of a University who is a contributor to the provident fund;

“provident fund”, in relation to a University, means the provident fund established by that University under this Part of this Act;

“salary” means the emoluments of the substantive post or appointment held by any contributor and includes any such

Interpretation
of this Part of
this Act.

allowances as may by Statute be declared to constitute part of the salary of a contributor.

Establishment
of a provident
fund.

66. Each University shall establish a fund which shall be called and known as the University Provident Fund.

Statutes for the
regulation of a
provident fund.

67. Statutes may be made for the regulation, administration and management of a provident fund and for all matters incidental to or connected with the provident fund for which no express provision is made in this Act.

Contributions
to a
provident fund.

68. (1) Every member of the staff of a University, except in such cases as may be prescribed by Statute, shall from the date of his employment on such staff contribute to the provident fund by means of equal monthly deductions from his salary, an amount equal to one-twentieth of his salary; and the University shall, in addition, out of the University Fund, at the same time contribute to the provident fund in respect of every contributor a sum equal to one-tenth of the salary of that contributor.

(2) The Secretary of a University shall open and keep a general account for the provident fund and a separate account in respect of each contributor to that fund. All contributions made by a contributor to the provident fund and all contributions made by the University to the provident fund in respect of that contributor shall be placed to the separate account of that contributor in the provident fund.

(3) The amount lying to the credit of the account of a contributor shall, subject to the provisions of any Statute made in that behalf, accumulate at compound interest at the rate of four *per centum* per annum until the day on which that contributor completes his age of voluntary retirement; and the account of that contributor shall be closed on that date.

Payments out of
a provident
fund.

69. (1) When the account of any contributor is closed as provided in section 68, the Secretary of a University shall, subject to the provisions of section 70, pay to that contributor the full amount lying to the credit of his account in the provident fund.

(2) Where a contributor, before he has completed his age of voluntary retirement, ceases to be

employed by a University either on account of ill health or incapacity or on account of the abolition of the post in which he is employed, or voluntarily leaves the service of the University, the Secretary of the University shall, subject to the provisions of section 70, pay to that contributor the full amount which has accumulated to the credit of his account in the provident fund at the date on which he has ceased to be so employed, or on the date on which he voluntarily left, as the case may be.

(3) Where a contributor, before he has completed his age of voluntary retirement, is dismissed or compulsorily retired from the service of a University, the Secretary of the University shall, subject to the provisions of section 70, pay to that contributor the amount contributed by him to the provident fund, together with the accumulated interest thereon up to the date of his dismissal or compulsory retirement, as the case may be.

(4) Where a contributor dies while in the service of a University, the Secretary of the University shall, subject to the provisions of section 70, pay the full amount which has accumulated to the credit of the account of that contributor in the provident fund to the estate of the deceased contributor or to the person lawfully entitled to such amount.

70. Notwithstanding anything in the preceding provisions of this Part of this Act and without prejudice to any other right or remedy, the amount of any loss or damage sustained by a University by reason of the dishonesty or negligence of a contributor at any time during the period of his employment by the University shall be a first charge upon the amount lying to the credit of the account of that contributor in the provident fund; and such amount may be deducted at the time any payment is made in accordance with the provisions of section 69.

Deductions
prior to
payment from a
provident fund.

PART XIII

Financial Provisions

71. The financial year of a University shall be the same as the financial year of the Government.

Financial
year.

University
Fund.

72. There shall be a fund of a University to be called the University Fund, into which shall be paid—

- (a) fees to be paid to the University in accordance with the provisions of any appropriate Instrument;
- (b) income from endowments;
- (c) moneys provided by Parliament as grants in aid of the University;
- (d) all other moneys belonging to the University from whatsoever source derived.

Grants in aid
of a
University.

73. (1) The Deputy Secretary to the Treasury shall, as soon as may be practicable after the commencement of each financial year, pay to a University such sums as may be provided by Parliament under the annual Appropriation Act as a grant in aid of the University.

(2) The Deputy Secretary to the Treasury shall, from time to time, pay to a University such moneys as may be provided by Parliament, by way of supplementary vote or otherwise, as a grant in aid of the University.

(3) All moneys paid to a University under the preceding sub-sections shall be applied or expended by the University for all or any of the purposes authorized by this Act or any appropriate Instrument.

The Secretary
to keep
accounts, etc.

74. It shall be the duty of the Secretary of a University—

- (a) to keep the accounts of the University in such form as the Board of Regents shall from time to time direct;
- (b) to receive all moneys paid into the University Fund and to credit such moneys to the proper heads of account;
- (c) to make all authorized payments;
- (d) to prepare, for the consideration of the Board of Regents, such quadrennial estimates as are required by the National Council, the annual financial appropriations for the ensuing financial year and any supplementary estimates under section 80:

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 University, and that no payments shall be made from such income for the general purposes of the University or for any purposes or objects other than those for which such grants or endowments were respectively made.

75. The accounts of a University shall be annually audited by the Auditor-General.

Audit.

76. The accounts of a University for each financial year shall, when audited, be published in the *Gazette*.

Publication of accounts in *Gazette*.

77. The quadrennial financial estimates and the annual appropriations of a University prepared under the provisions of section 74 (d) shall be considered by the Board of Regents before such date as may be prescribed by Regulation made by the National Council. The Board may make such alterations in such financial estimates and appropriations as it thinks fit and shall submit them to the National Council together with the accounts of the University for the last completed financial year.

Estimates and appropriations to be considered by the Board of Regents.

78. The quadrennial financial estimates and annual appropriations of a University, and its annual accounts, shall be considered by the National Council, and it shall be lawful for that Council, by resolution, to adopt or amend such estimates and appropriations, and to adopt such accounts, as it thinks fit.

Estimates, appropriations and annual accounts to be considered by the National Council.

79. The National Council shall return the quadrennial financial estimates and annual appropriations of a University to the Board of Regents together with any resolutions passed under the provisions of section 78; and that Board shall thereupon accept the decisions of that Council:

The National Council to return estimates and appropriations with any resolution under section 78.

Provided, however, that—

- (a) subject to the provisions of section 73 (3), the Board of Regents may, unless the National Council otherwise directs, transfer moneys assigned under one head of expenditure to any other head; and
- (b) every such transfer shall be reported to the National Council as soon as possible thereafter.

Supplementary
estimates.

80. In case of necessity and in order to meet unforeseen expenditure, it shall at any time be lawful for the Secretary of a University to prepare supplementary estimates of expenditure and for the Board of Regents to pass such estimates:

Provided, however, that such supplementary estimates shall be submitted to the National Council together with the annual appropriations for the ensuing year.

PART XIV

General Provisions

Gifts,
bonuses, etc.

81. (1) A University shall not grant any bonus or make any gift or division of money to or between any of its members, otherwise than in accordance with Statutes made under the provisions of section 56 (1) (f).

(2) Where the Vice-Chancellor of a University, by virtue of the operation of the provisions of this Act, ceases to hold office prior to the date on which he would but for such provisions have vacated his office, the University may, with the consent of the Minister given after prior consultation with the Minister of Finance, grant him such compensation as may be deemed adequate for loss of career.

(3) A Vice-Chancellor of a University holding office on the day immediately prior to the date of the commencement of this Act who, by virtue of the operation of the provisions of this Act, ceases to hold office may be appointed Vice-Chancellor Emeritus of that University for life by the Governor-General. The Vice-Chancellor Emeritus shall when present, and in the absence of both the Chancellor and the Pro-Chancellor, preside at any Convocation of that University.

Deprivation of
degree, etc.,
on account of
misconduct.

82. If any graduate of a University, or any person who has received a diploma or other academic distinction from the University, or any person upon whom an honorary degree has been conferred by the University, is convicted of any crime or offence involving moral turpitude, or is in the opinion of the Senate guilty of scandalous misconduct, it shall be lawful for the Vice-

Chancellor, on the recommendation of not less than two-thirds of the members of the Senate, to do all or any of the following:—

- (a) to remove his name from the register of registered graduates;
- (b) to deprive him of all privileges of the University which he enjoys.

83. If any question arises whether any person has been duly elected, appointed, nominated or co-opted as, or whether any person is entitled to be, a member of any Authority or other body of a University, the question shall be referred to the National Council whose decision thereon shall be final and conclusive.

Questions as to validity of elections, appointments, etc.

84. No act, resolution or proceeding of the National Council, or any Authority or other body of a University, shall be invalidated merely by reason of the existence of a vacancy or of vacancies among its members, or any defect or defects in the appointment of its members.

Vacancies or defects not to invalidate resolutions or proceedings.

85. Notwithstanding anything in any other written law, the moneys lying to the credit of a member of the staff of a University in the provident fund, shall not at any time be attached, sequestered or seized in execution of the decree or process of any Court.

Certain assets of members of the Staff of a University exempt from seizure in execution.

86. (1) Where the Minister is satisfied that, due to any strike or lock-out or any other cause, the work or administration of any University or any Campus thereof has been seriously dislocated and that the University Authorities have failed to restore normal conditions, the Minister may take all such measures as may be necessary to ensure the restoration of normal conditions in the University or such Campus. Pending the restoration of such normal conditions, the Minister may, by Order published in the *Gazette*, make all such provision as he may deem necessary in respect of all or any of the following matters relating to such University or Campus thereof:—

Special powers of the Minister in cases of emergency.

- (a) the closure of such University or Campus;
- (b) the suspension of the operation of any of the provisions of this Act or of any appropriate Instrument;

Supplementary
estimates.

80. In case of necessity and in order to meet unforeseen expenditure, it shall at any time be lawful for the Secretary of a University to prepare supplementary estimates of expenditure and for the Board of Regents to pass such estimates:

Provided, however, that such supplementary estimates shall be submitted to the National Council together with the annual appropriations for the ensuing year.

PART XIV

General Provisions

Gifts,
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81. (1) A University shall not grant any bonus or make any gift or division of money to or between any of its members, otherwise than in accordance with Statutes made under the provisions of section 56 (1) (f).

(2) Where the Vice-Chancellor of a University, by virtue of the operation of the provisions of this Act, ceases to hold office prior to the date on which he would but for such provisions have vacated his office, the University may, with the consent of the Minister given after prior consultation with the Minister of Finance, grant him such compensation as may be deemed adequate for loss of career.

(3) A Vice-Chancellor of a University holding office on the day immediately prior to the date of the commencement of this Act who, by virtue of the operation of the provisions of this Act, ceases to hold office may be appointed Vice-Chancellor Emeritus of that University for life by the Governor-General. The Vice-Chancellor Emeritus shall when present, and in the absence of both the Chancellor and the Pro-Chancellor, preside at any Convocation of that University.

Deprivation of
degree, etc.,
on account of
misconduct.

82. If any graduate of a University, or any person who has received a diploma or other academic distinction from the University, or any person upon whom an honorary degree has been conferred by the University, is convicted of any crime or offence involving moral turpitude, or is in the opinion of the Senate guilty of scandalous misconduct, it shall be lawful for the Vice-

Chancellor, on the recommendation of not less than two-thirds of the members of the Senate, to do all or any of the following:—

- (a) to remove his name from the register of registered graduates;
- (b) to deprive him of all privileges of the University which he enjoys.

83. If any question arises whether any person has been duly elected, appointed, nominated or co-opted as, or whether any person is entitled to be, a member of any Authority or other body of a University, the question shall be referred to the National Council whose decision thereon shall be final and conclusive.

Questions as to validity of elections, appointments, etc.

84. No act, resolution or proceeding of the National Council, or any Authority or other body of a University, shall be invalidated merely by reason of the existence of a vacancy or of vacancies among its members, or any defect or defects in the appointment of its members.

Vacancies or defects not to invalidate resolutions or proceedings.

85. Notwithstanding anything in any other written law, the moneys lying to the credit of a member of the staff of a University in the provident fund, shall not at any time be attached, sequestered or seized in execution of the decree or process of any Court.

Certain assets of members of the Staff of a University exempt from seizure in execution.

86. (1) Where the Minister is satisfied that, due to any strike or lock-out or any other cause, the work or administration of any University or any Campus thereof has been seriously dislocated and that the University Authorities have failed to restore normal conditions, the Minister may take all such measures as may be necessary to ensure the restoration of normal conditions in the University or such Campus. Pending the restoration of such normal conditions, the Minister may, by Order published in the *Gazette*, make all such provision as he may deem necessary in respect of all or any of the following matters relating to such University or Campus thereof:—

Special powers of the Minister in cases of emergency.

- (a) the closure of such University or Campus;
- (b) the suspension of the operation of any of the provisions of this Act or of any appropriate Instrument;

(c) the appointment of any person, by name or by office, to be a competent authority for the purpose of exercising, discharging and performing, in lieu of any officer, Authority or other body of such University or Campus thereof, any power, function or duty under this Act or any appropriate Instrument;

(d) any other matter connected with or relating to any of the matters aforesaid.

(2) Any Order made by the Minister under sub-section (1) shall come into force on the date of its publication in the *Gazette*, or on such later date as may be specified therein. Any such Order shall, as soon as possible thereafter, be tabled in the House of Representatives, and shall remain in force for a period of three months thereafter unless it is earlier rescinded.

(3) Any Order made by the Minister under sub-section (1) shall, so long as it remains in force, have effect notwithstanding anything to the contrary in this Act or any appropriate Instrument.

PART XV

Special Provisions

87. Statutes may be made prescribing that any such radius from any such point or place in or on the Seat, or a Campus, of a University as shall be so prescribed shall be the radius of that Seat or Campus, as the case may be, in this Act referred to as "the radius".

88. (1) On or after such date as may be appointed, for the purpose of this section, by the Minister by Order published in the *Gazette*, no educational institute shall, save as otherwise provided in sub-section (3), be established or maintained by or under a name which contains the word "University" unless it is a Higher Educational Institute within the meaning of this Act.

(2) Where there is a contravention of the provisions of sub-section (1) in respect of any educational institute, each member of the governing authority of that institute shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be liable to a fine of one hundred rupees for each day upon which the word "University" was used as its name or part of its name.

Radius of a
Campus of a
University.

Restrictions
on the use of
the word
"University".

(3) Nothing in the provisions of sub-section (1) shall apply to any educational institute which is established or maintained with the approval of the National Council given under and in accordance with Regulations which that Council is hereby authorized to make in that behalf.

PART XVI

Junior University Colleges

89. (1) The Minister, on the recommendation of the National Council, may by Order—

Establishment of a Higher Educational Institute having the status of a Junior University College.

(a) declare that there shall be established a Higher Educational Institute, having the status of a Junior University College, for the purposes of providing, in accordance with the provisions of this Act and of the Regulations made by the National Council, higher education in branches of learning : and

(b) assign a name to that Institute.

(2) Every Order made under sub-section (1) shall be published in the *Gazette*, and shall come into force on the date of such publication or on such later date as may be specified therein.

90. Upon the coming into force of an Order under section 89, a Higher Educational Institute, having the status of a Junior University College, with the name assigned to it by the Order, shall be deemed to have been established.

Effect of an Order made under section 89.

91. The objects of a Junior University College shall be to provide, in accordance with the provisions of this Act and of any Regulations made in that behalf by the National Council,—

Objects of a Junior University College.

(a) terminal courses of higher education in branches of learning for a period of two years, being courses with a practical bias designed to meet the manpower requirements of Ceylon ; and

(b) interim or transfer courses of higher education in branches of learning for the said period, being courses designed to equip students to be fit for admission to a University at the end of the said period.

92. The Director-General of Education shall be responsible for the administration of a Junior University College. Such Director-General shall

Administration of Junior University Colleges.

so administer such College in accordance with the provisions of this Act and such Regulations as may be made in that behalf by the National Council.

Regulations
relating to
Junior
University
Colleges.

93. (1) Regulations may be made by the National Council in respect of all such matters as the Council may deem necessary to enable a Junior University College to attain its objects.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the National Council may make Regulations in respect of all or any of the following matters relating to a Junior University College:—

- (a) the courses of study which shall be provided and followed ;
- (b) the conditions relating to the admission of students;
- (c) the qualifications of the staff;
- (d) the fees, if any, to be charged for courses of study, residence, and for admission to examinations;
- (e) the total number of students who will be admitted annually, and the apportionment of that number to the different courses of study;
- (f) the qualifications of students for the award of academic certificates and diplomas;
- (g) the conduct of examinations;
- (h) all other matters relating to or connected with any of the matters aforesaid :

Provided, however, that any Regulation made under this sub-section shall not affect students undergoing undergraduate study in any educational institute at the date on which this Act comes into operation.

Financial
provision in
respect of a
Junior
University
College.

94. The necessary financial provision in respect of the establishment or maintenance of a Junior University College shall be made in the annual estimates of the Ministry of Education.

PART XVII

Application of the Housing and Town Improvement Ordinance

Application of
Chapter 268 to
areas within the
precincts or in
proximity to the
precincts of a
University.

95. (1) Notwithstanding anything in the Housing and Town Improvement Ordinance, it shall be lawful for the Minister in consultation with the Minister in charge of the subject of Local Government, if he deems it expedient so to do in order to preserve the amenities of the precincts of a University, to declare, by Notification published

in the *Gazette*, that Chapter I of Part II of that Ordinance shall apply, subject to the modifications specified in sub-section (2) of this section, to any area of land within the precincts or in proximity to the precincts of a University to which the said Ordinance does not otherwise apply, as if such area were an area comprised within the limits of a local authority.

(2) Upon the publication of any Notification under sub-section (1) of this section, the said Chapter shall apply accordingly, subject to the following modifications therein:—

(a) The word “Vice-Chancellor” shall be substituted for the word “Chairman”, wherever the latter word occurs therein.

(b) The following section shall be substituted for section 7 thereof :—

“Circumstances in which approval or consent may be refused.

7. The Vice-Chancellor of a University shall not refuse—

(1) to approve any plan, drawing, or specification of any building ; or

(2) to consent to any alteration in any building,

unless the building or the alteration of the building is of such a nature as to be likely, in his opinion, to injure the amenities of the precincts of the University, or unless the applicant for such approval or consent fails to comply with any requirement made under section 8.”

(c) In section 8 (a) thereof, the words “by local by-laws, or in the absence of such by-laws” shall be omitted.

(d) In section 8 (b) thereof, the words “so as to bring it into accordance with such form or so as to contain any of such particulars” shall be substituted for the words “so as to bring it into accordance with law”.

(e) In section 8 (e) thereof, the word “Chapter”, shall be substituted for the word “Ordinance”.

- (f) In section 13 (1) (c) thereof, the words "this Chapter" shall be substituted for the words "this Ordinance or of any local by-law".
- (g) In section 13 (2) thereof, the words "so as not to injure the amenities of the precincts of a University" shall be substituted for the words "in such a way as to bring it into accordance with law", and the words "and any expenses thereby incurred shall be recoverable upon an order made by the Magistrate in the same manner as a fine imposed by him, and upon recovery shall be paid to the Vice-Chancellor" shall be substituted for the words "and to recover the expenses thereby incurred in the same manner and by the same process as a rate".
- (h) In section 15 (1) thereof, the words "does not injure the amenities of the precincts of a University" shall be substituted for the words "is in accordance with law".
- (i) The reference to the tribunal of appeal in section 16 thereof shall be deemed to be a reference to the District Court having jurisdiction in the district in which the said area is situated.

(3) The exercise of any of the powers conferred on the Vice-Chancellor of a University under the provisions of this section shall be subject to the consent of the Board of Regents, and if the Vice-Chancellor refuses to approve any plan, drawing or specification of any building, or to consent to any alteration in any building within the said area on the ground that it will injure the amenities of the precincts of the University, the University shall make compensation to any person for any loss or damage he may sustain in consequence of such refusal ; and any person aggrieved by the failure of the University to make such compensation or to make adequate compensation, may appeal to the District Court having jurisdiction in the district in which such area is situated, and the decision of the District Court on any such appeal shall be final and conclusive.

PART XVIII

Repeals of University Enactments

96. The Ceylon University Ordinance, and the Vidyodaya University and the Vidyalkankara University Act, No. 45 of 1958, are hereby repealed with effect from September 30, 1966.

Repeals of University Enactments.

97. Upon the repeal of a University Enactment, a University, established under that Enactment and in existence on the day immediately prior to the date of such repeal, shall be deemed, for all purposes, to be a University which has been established under this Act, and to continue in existence as such.

Certain provisions applicable upon the repeal of a University Enactment.

98. For the purpose of giving full force and effect to the provisions of section 97, the provisions of this Act shall apply to and in relation to a transferred University, subject to the following modifications, and accordingly the provisions of this Act shall, in their application to such University, be read and construed subject to such modifications:—

Provisions applicable for the purpose of giving full force and effect to section 97.

(1) in section 35—

(a) as though for the marginal note thereto, there were substituted the following:—

“Effect of repeal of a University Enactment and the powers of a University.”; and

(b) as though in sub-section (1) of that section, there were substituted, for all the words from “Upon the coming” to “have been established,”, the following:—

“Upon the repeal of a University Enactment, a Higher Educational Institute, having the status of a University, with the same name and style as it had when it was an old University, shall be deemed to have been established,”;

(2) in section 36,—

(a) as though for sub-section (1) of that section, there were substituted the following new sub-section :—

“ (1) The objects of a University shall be the purposes of providing, promoting and developing higher education in such branch or branches of learning and research as it so provided, promoted and developed when it was an old University.” ;

(b) as though in sub-section (2) of that section, there were substituted, for the words “ the Incorporation Order. ”, the words “ this Act. ” ;

(c) as though in sub-section (3) of that section, there were substituted, for the words “ An Order amending the Incorporation Order ”, the words “ An Order made under sub-section (2) amending the provisions of this Act ”; and

(d) as though in sub-section (4) of that section, there were substituted, for the words “ amending the Incorporation Order ”, the words “ under sub-section (2) amending the provisions of this Act ”.

PART XIX

Transitory Provisions

Effect of an old University becoming a transferred University.

99. Subject to the provisions of this Act and of any appropriate Instrument, the following provisions shall apply as from the date on which an old University becomes a transferred University :—

(1) All teachers, officers and servants in the service of the old University on the day immediately prior to that date who have not on that day completed their sixty-fifth year of age shall be deemed to be teachers, officers and servants in the service of the transferred University, and shall hold their offices with as nearly as may be the same status and on the same terms, including terms relating to salary or wages,

the termination of employment, allowances or other benefits as they had or enjoyed in the service of the old University:

Provided that, where a vacancy occurs in the post of Vice-Chancellor of any old University by virtue of the operation of the preceding provisions of this subsection, the Minister shall appoint a person of eminence to fill such vacancy, and such appointment shall be deemed to be an appointment in terms of section 42 (1) of this Act :

And provided, however, that the preceding provisions of this paragraph shall not apply to the Registrar of the old University, who shall cease to hold his post; and provided, further, that the National Council may review, within twelve months of the repeal of a University Enactment, the appointments held by the teachers, officers and other employees of the transferred University and order the abolition of such posts which are found to be superfluous and the termination of service of such persons who are found to be not qualified to hold such posts, with due notice given to them.

- (2) All debts, obligations and liabilities incurred and all contracts, deeds, bonds, agreements and other instruments executed or entered into, and all matters and things engaged to be done by, with or for, the old University prior to that date shall be deemed to have been incurred, executed, entered into or engaged to be done by, with or for the transferred University.
- (3) All suits, prosecutions, appeals or other legal proceedings, civil and criminal, instituted or which might have been instituted, by or against the old University prior to that date may, subject to the provisions of this Act and of any other written law, be continued or instituted by or against the transferred University.

- (4) All decrees or orders made by a competent court in favour of, or against, the old University prior to that date shall be deemed to have been made in favour of, or against, the transferred University.
- (5) The University Provident Fund established in respect of the old University by the University Enactment under which it was established shall be deemed to be the University Fund of the transferred University established under this Act.
- (6) All property, movable or immovable, which has been vested in, or legally purchased or acquired by, or leased to, or placed at the disposal of, or in any other manner transferred to, the old University, or which is held in trust for the old University, or is in its possession or control at that date shall be held by or in trust for the transferred University, subject to the trusts, charges, liabilities, reservations, servitudes or other encumbrances and on the terms and conditions appertaining, attaching or applicable thereto at that date.

Special provisions relating to the Registrar of an old University.

100. The following provisions shall apply in the case of the Registrar of an old University who, by virtue of the operation of the proviso to paragraph (1) of section 99, is not, at the date on which such University becomes a transferred University, deemed to be an officer or servant in the service of the transferred University:—

- (1) The transferred University shall, if it is practicable to do so, offer such Registrar any post or office in the service of the transferred University with as nearly as may be the same status and on the same terms, including terms relating to salary, the termination of employment, allowances or other benefits, as he had or enjoyed in the service of the old University.
- (2) The transferred University shall,—
- (a) if any offer made by it to such Registrar under paragraph (1) of this section is refused or rejected by him; or
- (b) if it is not practicable for it to make such an offer to him,

pay such Registrar such compensation on the basis of retirement at fifty-five years for loss of employment as he would have been entitled to receive if his post or office in the service of the old University had been abolished by that University or, in the absence of any such entitlement, as may be determined by the transferred University.

- (3) Such Registrar may, if he is dissatisfied with any determination as to compensation made by the transferred University in respect of him under paragraph (2) of this section, appeal therefrom to the Minister whose decision thereon shall be final and conclusive.

101. Subject to the provisions of this Act and of any appropriate Instrument, the following provisions shall apply in the case of a transferred member of the staff of a University:—

Special provisions relating to transferred members of the staff of a University.

- (1) Where the post or office held by such member is abolished the University shall pay him compensation for loss of employment equal to the amount of provident fund contribution which he would have received upon the completion of his full current term of office prior to such abolition :

Provided, however, that the service of such member in the old University was for a period of not less than five years prior to the date of the commencement of this Act :

And provided further that, where the service of such member was for a period of less than the aforesaid five years, such member shall be paid such compensation as may be determined by the transferred University.

- (2) Such member may, within twelve months from the date on which he became such member, retire from the service of the University upon his giving to the University at least two months' written notice of his intention to retire.
- (3) Upon the retirement of such member from the service of the University under paragraph (2) of this section, such member may be granted by the University such

compensation, by way of gratuity or retiring allowance, as might have been granted if, on the date of his retirement, he had been an officer or servant of the old University in whose employ he was before the date on which he became such member and had been retired by that old University on the ground of the abolition of his post or office ; and for the purpose of the grant of such gratuity or retiring allowance, the service of such member under that old University shall be deemed to be service under the University.

- (4) Such member may, if he is dissatisfied with any determination as to compensation made by the University under paragraph (1) of this section in respect of him, appeal therefrom to the National Council whose decision thereon shall be final and conclusive.

Special provisions pending the establishment of a University under this Act.

102. (1) Notwithstanding anything in any other provision of this Act, the following provisions shall apply during the transitional period pending the establishment of a University under this Act for the purposes of enabling all such arrangements and measures to be made and taken as are necessary to enable the University to commence to function as such, and to carry out its objects, as early as possible after the date of its establishment:—

- (a) The Governor-General and Minister may commence to hold office as Chancellor and Pro-Chancellor as from the date of the commencement of such period, and accordingly may exercise, discharge and perform all such powers, functions and duties in respect of the University as are conferred or imposed on them under this Act or any appropriate Instrument.
- (b) The first Vice-Chancellor may be appointed at any time during that period, and if so appointed,—
- (i) he may exercise, discharge and perform in respect of the University all such powers, functions and duties as are conferred or imposed on him under this Act or any appropriate Instrument; and

- (ii) he shall, unless he earlier vacates office, hold office for the term of five years prescribed by section 42 (6) increased by the number of days he held such office during the transitional period, or until he has completed his sixty-fifth year, whichever event occurs earlier, and shall thereafter be deemed to have voluntarily retired:

Provided, however, that if, under the preceding provisions of this section, his term of office expires in the course of an academic year he shall continue in office until the last day of such academic year, and shall thereafter be deemed to have voluntarily retired.

- (c) The Minister or any body of persons may exercise his or its power of appointment on the assumption of office of first members of the Board of Regents at any time during the transitional period, and the Board of Regents may commence to exercise, discharge and perform in respect of the University all such powers, functions and duties as are conferred or imposed on it under this Act or any appropriate Instrument on such date during the transitional period as may be determined by the Minister. A member of such Board appointed during that period shall, unless he earlier vacates office, hold office for the term of three years prescribed by section 45 (3), increased by the number of days he held such office during that period.
- (d) The Secretary and Librarian may be appointed at any time during the transitional period, and if so appointed, may exercise, discharge and perform in respect of the University all such powers, functions and duties as are conferred or imposed on them under this Act or any appropriate Instrument.

Adjustment of
questions not
provided for.

103. In connection with the preliminary arrangements necessary for the establishment of a University or the transfer of an old University under this Act, either generally or with reference to any special matter or matters, the Minister, by Order published in the *Gazette*, may issue all such directions as he may deem necessary with a view to providing for any special or unforeseen circumstances, or to determining or adjusting any question or matter, for the determination or adjustment of which no provision or effective provision is made by this Act.

PART XX

Interpretation

Interpretation.

104. In this Act, unless the context otherwise requires—

“appointed member”, in any context relating to—

- (a) the National Council, means any member of that Council appointed by the Governor-General; or
- (b) a Board of Regents, means any member of that Board appointed by the National Council;

“appropriate Instrument”, in any context relating to the National Council, a University or any Authority thereof, the officers of a University, or any other body of a University, means any Regulation, Statute or Ordinance applicable thereto;

“Authority”, in any context relating to a University, means any Authority of the University referred to in section 44;

“Board of Regents”, in any context relating to a University, means the Board of Regents of the University;

“Campus”, in any context relating to a University, means a Campus of the University established under this Act;

“Campus Board”, in any context relating to a Campus, means the Campus Board of that Campus;

“Chancellor”, in any context relating to a University, means the Chancellor of the University ;

“Faculty”, in any context relating to a University, means a Faculty of the University established under this Act, and includes in any such context relating to the Campus of the University, any part of a Faculty assigned to such Campus ;

“governing authority”, in any context relating to a Higher Educational Institute, means—

(a) if such Institute is a University, the Board of Regents ; or

(b) if such Institute is a Junior University College, such person or body of persons as may be prescribed by Regulation made by the National Council ;

“Higher Educational Institute” means a Higher Educational Institute established or deemed to have been established under this Act ;

“Incorporation Order”, in any context relating to a University, means an Order made in respect of that University under section 34 (1) ;

“Junior University College” means a Higher Educational Institute, having the status of a Junior University College, established under this Act ;

“National Council of Higher Education” means the National Council of Higher Education established under this Act ;

“old University” means any University established under any University Enactment ;

“Ordinance” means an Ordinance made by the Board of Regents under this Act ;

“Pro-Chancellor”, in any context relating to a University, means the Pro-Chancellor of that University ;

“Regulation” means a Regulation made by the National Council under this Act ;

- “ Senate ”, in any context relating to a University, means the Senate of that University;
- “ Statute ” means a Statute made by a Board of Regents under this Act;
- “ transferred University ” means an old University which became a University within the meaning of this Act;
- “ transitional period ” means the period commencing on the date on which an Incorporation Order is published under this Act in respect of the establishment of a University and ending on the date on which such Order comes into force;
- “ University ” means a Higher Educational Institute, having the status of a University, which is established or deemed to be established under this Act;
- “ University Enactment ” means the Ceylon University Ordinance, or the Vidyodaya University and the Vidyalankara University Act, No. 45 of 1958;
- “ Vice-Chancellor ”, in any context relating to a University, means the Vice-Chancellor of that University.