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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 382/7 — 1985 දෙසැම්බර් 31 වැනි අඟහරුවාදා — 1985.12.31

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PART I: SECTION (I) — GENERAL

Government Notifications

L.D.—B. 21/78

THE UNIVERSITIES ACT, No. 16 OF 1978

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

Dr. B. S. WIJEWEERA,
Secretary,

University Grants Commission.

Colombo, 31st December, 1985.

Ordinance

1. This Ordinance may be cited as the Postgraduate Institute of Management Ordinance, No. 3 of 1985 and shall come into force on 1st January, 1986.

2. This Ordinance shall apply to the Postgraduate Institute of Management (hereinafter referred to as the "Institute") established on 1st January, 1986 by Order dated 18th December, 1985 made by the Minister in consultation with the University Grants Commission under section 24A of the Universities Act, No. 16 of 1978.

3. The Institute shall be attached to the University of Sri Jayewardenepura, Sri Lanka (hereinafter referred to as the "University").

4. Subject to the provisions of the Act, and of any appropriate Instrument, and the powers, duties and functions of the University Grants Commission (hereinafter referred to as the "Commission") the Institute shall have power—

(a) to admit students;

(b) to provide for postgraduate instruction, training, research and development in the various branches of management and administration studies approved by the Commission upon the recommendation of the Institute;

(c) to determine with the approval of the University and the concurrence of the Commission the postgraduate degrees, diplomas, certificates, and other academic distinctions to be awarded in the several branches of management and administration studies;

(d) to conduct with the approval of the University, postgraduate examinations for the purpose of ascertaining the persons who have acquired proficiency in the several branches of management and administration studies, and to recommend to the University, persons who, having passed such examinations and having satisfied such other conditions and requirements as the University may prescribe by By-Laws in consultation with the Institute, are eligible for the award of postgraduate degrees, diplomas, certificates and other academic distinctions of the University;

(e) to recommend for purposes of recognition by the Senate, the examinations passed and the periods of learning or study pursued by persons seeking admissions to, or by students of the Institute, at Universities and places of learning of university level, as being equivalent to such examinations and periods of learning or study in the Institute, or such part thereof, as may be prescribed by By-Law, and to recommend the withdrawal of such recognition at any time;

- (f) to make arrangements for the conduct of research and courses or parts of courses of study in places outside the University and the Institute in accordance with any By-Law providing for such facilities;
- (g) to collaborate with universities or institutions in Sri Lanka or abroad, having objectives similar or substantially similar to those of the Institute, by way of exchange, sharing or receiving manpower, material and other forms of resources for the conduct of courses of study, training, research, and publication in management and administration studies; or for the purpose of achieving the objects of the Institute;
- (h) to co-operate with Institutions or Organizations either in the public or private sector in Sri Lanka or abroad, for the purpose of enhancing the teaching, training, and research potential of the Institute by way of providing opportunities, resources or otherwise;
- (i) to erect, equip and maintain for the purposes of the Institute, libraries, laboratories and other buildings;
- (j) to appoint with the approval of the University such persons as may be approved by the Institute as teachers, examiners, and research supervisors of the Institute;
- (k) to levy fees, receive and disburse moneys and equipment for the accomplishment of the objects of the Institute; and
- (l) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be necessary for the furtherance of the objects of the Institute.

5. The Authorities of the Institute shall be the following:

- (a) The Board of Management;
- (b) The Board or the Boards of Study; and
- (c) Such other bodies as may be prescribed by Ordinance to be such Authorities.

6. The Board of Management (hereinafter referred to as the "Board") shall be the academic and executive body of the Institute, and shall consist of—

- (i) The following ex-officio members, namely:
 - (a) the Director;
 - (b) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education or the nominee of such Secretary;
 - (c) the Secretary to the Ministry of the Minister in charge of the subject of Public Administration or the nominee of such Secretary;
 - (d) the Secretary of the Ministry of the Minister in charge of the subject of Finance and Planning or the nominee of such Secretary;
 - (e) the Director-General of the National Institute of Business Management;
 - (f) the President or a member of the Council of the Institute of Chartered Accountants of Sri Lanka nominated by such Council;
 - (g) the President or a member of the Council of the Institute of Engineers nominated by such Council;
 - (h) the Chairman of the Ceylon Chamber of Commerce;
 - (i) the Dean of the Faculty of Management Studies and Commerce of the University of Sri Jayewardenepura; and

- (j) the Director of the Sri Lanka Institute of Development Administration.

ii) The following other members, namely:

- (a) Four members appointed by the Council of the University of whom at least two shall be from among the members of the Faculty Board of the Faculty of Management Studies and Commerce of the University;
- (b) Five members appointed by the Commission from among persons who have rendered distinguished service in the educational, professional, industrial, agricultural, scientific, managerial, or administrative spheres.

(i) The Chairman of the Board of Management shall be the Director who shall preside at all meetings of the Board. If the Chairman is unable to preside at any meeting of the Board, the members present shall elect from among themselves, any member, to preside at such meeting.

(ii) Any appointed member shall, unless he vacates office earlier, hold office for a term of three years reckoned from the date of such appointment, and shall unless removed from office, be eligible for re-appointment;

Provided, however, that if any appointed member vacates his office prior to the expiry of his term, his successor shall unless he vacates his office earlier hold office for the unexpired portion of the term of office of his predecessor;

(iii) Any appointed member may resign his office by writing under his hand addressed to the Chairman of the Commission with a copy to the Director of the Institute.

(iv) Any appointed member of the Board who without leave of absence fails to attend three consecutive meetings of the Board, shall be deemed to have vacated his office as member of the Board, and the Commissioner or the appointing authority, as the case may be, shall appoint a fit person to fill the resulting vacancy.

(v) The quorum for a meeting of the Board shall be seven members.

(vi) The Board shall meet whenever necessary, so however that there shall be not less than eight meetings in each year.

(vii) The Director shall, whenever he thinks it necessary do so or within fourteen days upon the receipt by him of a written requisition from not less than one-third of the total membership of the Board, convene a special meeting of the Board.

8. (i) Subject to the provisions of the Act and of any appropriate Instrument, the Board shall exercise, perform and discharge the powers, duties and functions conferred or imposed on, or assigned to, the Institute by this Ordinance.

(ii) Subject to the provisions of the Act and of any appropriate instrument, and the powers and functions of the Senate of the University, the Board shall have control and general direction of the education, research and training provided and the examinations held by the Institute.

(iii) Without prejudice to the generality of the powers conferred by sub-paragraphs (i) and (ii), the Board shall exercise, perform and discharge the following powers, duties, and functions:—

- (a) to hold, control and administer the property and funds of the Institute;
- (b) to regulate and to determine all matters concerning the Institute in accordance with the provisions of the Act and of any appropriate instrument;
- (c) to administer any funds placed at the disposal of the Institute for specific purposes;

- (d) to recruit academic/training/research/supervisory staff on a visiting/contract basis;
- (e) to receive and accept with the approval of the University and the concurrence of the Commission bequests, donations, and grants to the Institute;
- (f) to consider the annual report and the annual statement of accounts of the Institute; and to submit such report and such statement to the University Council and the Commission;
- (g) to prepare the financial estimates of the Institute and to submit such estimates to the University and the Commission;
- (h) to recommend to the University in consultation with the relevant Board or Boards of Study, the postgraduate degrees, diplomas, certificates and other academic distinctions which shall be awarded in the several branches of management and administration studies and the courses of study and training to be followed, the examinations to be passed and the other conditions to be satisfied by students who wish to qualify for such degrees, diplomas, certificates and other academic distinctions;
- (i) to draft By-laws for any matter in respect of which By-laws are authorized to be made and to submit such drafts to the Council of the University for enactment:
 Provided, however, that no By-law relating to courses of study and examinations shall be drafted except after consideration of reports from the relevant Board or Boards of Study;
- (j) to draft, after consideration of reports from the relevant Board or Boards of Study, Regulations relating to courses of study and examinations, and to submit such drafts to the Senate of the University;
- (k) to draft Rules in respect of any matter for which Rules are authorized or required to be made, and to submit such drafts to the Council or the Senate, as the case may be, of the University for enactment;
- (l) to provide or cause to be provided the buildings, premises, furniture, equipment, and other material needed for carrying on the work of the Institute;
- (m) to recommend to the Commission:
 (i) the institution, abolition or suspension of Professorships, Associate Professorships, Senior Lectureships, Lectureships and other posts as may be required for the purposes of the Institute; and
 (ii) the qualifications required of persons to be appointed as teachers, officers and other employees of the Institute;
- (n) to advise the University on the suspension, dismissal and the disciplinary control of persons in the employment of the Institute;
- (o) to appoint such number of Standing Committees or ad-hoc Committees as it may deem necessary and to specify their terms of reference; to consider their reports and to approve with or without modifications, or to reject such reports;
- (p) to invest any money belonging to the Institute including any unapplied income, in any security in which under the provisions of section 20 of the Trusts Ordinance or any other written law, it is lawful to invest trust moneys; or, with the approval of the Commission, to invest any such moneys in the purchase of immovable property in Sri Lanka or vary such investments, or to place in fixed deposits in any bank approved by the Commission, any portion of such money not required for immediate expenditure; and
- (q) to exercise such other powers of the Institute, as are not otherwise provided for in this Ordinance or in any other appropriate Instrument:
 Provided that no resolution shall be passed by the Board in relation to any academic matter unless the appropriate Board of Study has first been given an opportunity of recording and transmitting to the Board its opinion thereon;
 Provided further that no resolution so passed shall be acted upon except with the concurrence of the University.
9. The Officers of the Institute shall be the following:
 (a) the Director; and
 (b) the holder of any other post declared by Ordinance to be a post, the holder of which is an officer for the purpose of this paragraph.
10. (i) The first Director shall be appointed by the Commission upon the coming into operation of this Ordinance. Every subsequent Director shall be appointed by the Commission from a panel of three persons recommended by the Board of Management of the Institute.
 (ii) Where a member of the staff of a Higher Educational Institution is appointed Director such Institution shall release such member of the staff so appointed to accept the post of Director.
 (iii) Each Director shall, unless he vacates office earlier or is removed from office under sub-paragraph (iv), hold office for a period of three years reckoned from the date of appointment or until he completes his sixtyfifth year, whichever event occurs earlier.
 (iv) A Director shall be removed from office by the Chairman of the Commission on a vote of censure passed by not less than two-thirds of the total membership of the Board of Management, at a special meeting convened for the purpose. The members present at such special meeting shall elect from among themselves a person not being the Director to preside at such special meeting.
 (v) Each Director who resigns or is removed from office or completes his term of office may, if he was a member of the staff of a Higher Educational Institution immediately prior to his appointment as Director, revert to his substantive post in such Higher Educational Institution, provided that he has not completed his sixtyfifth year.
 (vi) If the Director, by reason of leave, illness, absence from Sri Lanka, or other cause is temporarily unable to perform the duties of his office, the Commission shall, within seven days of the occurrence of such inability, make such arrangements as it may think fit for carrying on the duties of the office. Until such arrangements are made, the Registrar of the University shall carry on the routine duties of the office.
 (vii) If any vacancy occurs in the office of the Director, the Commission shall, within seven days of the occurrence of such vacancy, make such arrangements as it may think fit for carrying on the duties of such office, until a permanent appointment is made under sub-paragraph (i). Until such arrangements are made, the Registrar of the University shall carry on the routine duties of the office.
11. (i) The Director shall be the principal executive and academic officer of the Institute. He shall be an ex-officio member of the Board of Management and ex-officio member of each Board of Study. He shall be entitled to convene, be present and speak at any meeting of any other Authority or body of the Institute but shall not be entitled to vote at any such meeting unless he is a member of such other Authority or body.

(ii) It shall be the duty of the Director to ensure, in accordance with such directions as may from time to time be lawfully issued to him in that behalf by the Board of Management, that the provisions of the Act and of any appropriate instrument in so far as they relate to the Institute, are duly observed, and he shall have and may exercise all such powers as he may deem necessary for the purpose.

(iii) It shall be the duty of the Director to give effect, or ensure that effect is given to the decisions of the Board of Management and of each Board of Study.

(iv) The Director shall be the Accounting Officer of the Institute.

(v) The Director shall be responsible for the maintenance of discipline within the Institute.

12. The Institute shall establish Boards of Study in respect of each branch of learning in management and administration studies approved by the Commission upon the recommendation of the Board.

13 (i) Each Board of Study shall consist of the following persons:

(a) the Director, and

(b) six other members appointed by the Board of which at least three persons shall be Professors/Associate Professors/Senior Lecturers/Lecturers of the Faculty of Management Studies and Commerce of the University, or any other University or appropriate professional body, as may be determined by the Board.

(ii) Any Board of Study may with the concurrence of the Board co-opt one or more than one member for a specific purpose and for a specified period, but no member so co-opted shall have the right to stand for election or to vote at any meeting of such Board of Study.

(iii) The provisions of sub-paragraph (ii) and (iv) of paragraph 7 shall, mutatis mutandis, apply to and in relation to each appointed member of any Board of Study;

(iv) Each Board of Study shall have a Chairman who shall be elected by that Board of Study from among its members.

(v) Each Board of Study shall have a Secretary who shall be elected by the Board of Study from among its members.

(vi) The quorum for a meeting of any Board of Study shall be five members, excluding co-opted members, if any.

14. Subject to the provisions of this Ordinance and of any appropriate instrument, each Board of Study shall exercise, perform and discharge the following powers, duties and functions:—

- (i) consider and report on any matter referred to it by the Board;
- (ii) regulate matters connected with teaching, examinations and research in the Institute, subject to the control of the Board;
- (iii) make recommendations and reports to the Board on all matters connected with the courses of study conducted and examinations held at the Institute; and
- (iv) recommend to the Board persons suitable for appointment as examiners.

15. The financial year of the Institute shall be the same as the financial year of the University.

16. (i) The Institute shall have a fund to be called the Postgraduate Institute of Management Fund (hereinafter referred to as the "Fund")

(ii) There shall be paid into the Fund—

(a) fees to be paid to the Institute in accordance with the provisions of any appropriate instrument;

(b) income from endowments;

(c) moneys provided by Parliament and disbursed by the Commission as grants in aid of the Institute; and

(d) all other moneys belonging to the Institute from whatever source derived.

(iii) A summary of all moneys paid to the Fund within the course of each quarter of the financial year, classified under the appropriate heads of revenue, shall before the end of next ensuing quarter be submitted by the Director to the Commission for its information.

17. It shall be the duty of the Director:

(a) to keep the accounts of the Institute in such form and manner as may be prescribed by Ordinance;

(b) to receive all moneys paid into the Fund and to credit such moneys to the proper heads of accounts;

(c) to make all authorized payments; and

(d) to prepare for the Board such triennial estimates as are required by the Commission and the Annual financial estimates of the ensuing year:

Provided, however, that income derived from grants made for specific purposes or from endowments for specific objects shall be separately accounted for in the accounts of the Institute, and that no payment shall be made from such income for the general purposes of the Institute or for any purpose or object other than that for which such grants or endowments were respectively made, without the prior approval of the Commission.

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

(ii) The books of accounts of the Institute shall be maintained at the office of the Institute.

19. The provisions of Part XIII of the Act relating to the auditing of the accounts of a Higher Educational Institution shall, mutatis mutandis, apply to and in relation to the auditing of accounts of the Institute.

20. (i) The staff of the Institute shall consist of such officers, teachers and other employees as the Board may with the concurrence of the University and the approval of the Commission deem necessary for the efficient exercise, performance and discharge of the powers, duties and functions of the Institute.

(ii) The staff of the Institute shall be provided on release by the University from its own staff, or be appointed by the Commission. The provisions of Part X of the Act, relating to the appointment of staff of a Higher Educational Institution shall, mutatis mutandis, apply to and in relation to appointments to the staff of the Institute.

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(iii) Where an officer, teacher or other employee of the University has been released for service of the Institute on a full-time basis, the Institute shall pay him the salary and the allowances of his substantive post in the University.

The Institute may pay the officer, teacher or other employee concerned, such other allowances as it may determine in consultation with the University.

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

21. If any question arises as to whether any person has been duly elected, appointed, nominated or co-opted or as to whether any person is entitled to be a member

of any authority or other body of the Institute, such question shall be referred to the Commission, whose decision thereon shall be final.

22. No act, resolution or proceeding of any Authority or other body of the Institute shall be invalid merely by reason of the existence of any vacancy among its members or any defect in the appointment of any such member.

23. In this Ordinance:

"Act" means the Universities Act, No. 16 of 1978 as amended by Act No. 7 of 1985.

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