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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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No. 1571/15 - THURSDAY, OCTOBER 16, 2008

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B.21/78 V.

THE UNIVERSITIES ACT, No. 16 OF 1978

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

Secretary,
University Grants Commission.

Colombo,
25th August, 2008.

Ordinance

1. This Ordinance may be cited as the University of Colombo, Institute for Agro-Technology and Rural Sciences Ordinance, No. 02 of 2008 and shall come into operation with effect from 25th August, 2008.
2. This Ordinance shall apply to the University of Colombo, Institute for Agro-Technology and Rural Sciences (hereinafter referred to as the "Institute") established by Order made under Section 24A of the Universities Act, No. 16 of 1978 and published in *Gazette Extraordinary* No. 1570/34 of 10th October, 2008.
3. The Institute shall be attached to the University of Colombo, Sri Lanka, (hereinafter referred to as the "University").
4. Subject to the provisions of the Act and the direction and control of the University Grants Commission (hereinafter referred to as the "Commission"), the Institute shall have power —
 - (a) to admit students ;
 - (b) to conduct courses in the areas of Agro-Technology, Agri-business and Rural Sciences ;

- (c) to provide for instruction, training, research and development and consultancies in such branches of Agro-Technology, Agri-business and Rural Sciences as may be approved by the Commission upon the recommendation of the Institute and the University ;
- (d) to conduct, with the approval of the University, examinations for the purpose of ascertaining the persons who have acquired proficiency in Agro-Technology, Agri-business and Rural Sciences and to recommend to the University, persons who having passed such examinations and having satisfied such other conditions as prescribed by By-Laws, are eligible for the award of degrees, diplomas, certificates and other academic distinctions of the University ;
- (e) to determine with the approval of the University and where necessary with the concurrence of the Commission the degrees, diplomas, certificates and other academic distinctions to be awarded in Agro-Technology, Agri-business and Rural Sciences and related technologies ;
- (f) to co-operate by way of exchange of teachers, students and scholars or otherwise, with Universities or Institutions in Sri Lanka or abroad, having objects similar or substantially similar to those of the Institute ;
- (g) to recommend to the Senate of the University the recognition of examinations passed and the periods of learning or study to be pursued at the Universities and places of learning at university level, by persons seeking admission to the Institute as being equivalent to such examinations and periods of learning or study in the Institute, or such part thereof, as may be prescribed by by-laws and where necessary, to withdraw such recognition in accordance with prescribed by-laws ;
- (h) to determine with the concurrence of the University and with the approval of the Commission, the setting up Academic Syndicates ;
- (i) to erect, equip and maintain with the concurrence of the University, libraries, laboratories and other buildings required for instructional, training, research, development or consultancy purposes as are required for the purposes of the Institute ;
- (j) to recommend to the University, the creation of such teaching, administrative and other posts as may be required for the purposes of the Institute and to provide for the abolition or suspension of the same ;
- (k) to establish and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes in consultation with the University ;
- (l) to make arrangements for conducting courses of study or parts of such courses of study in places outside the Institute in accordance with any by-law requiring the provision of the same ;
- (m) to demand and to receive fees in accordance with the policy of the government at any given time, and with any Rule requiring the payment of the same ; and
- (n) to do all such other acts and things, which are incidental to or consequent upon the powers, duties and functions aforesaid in order to further the objects of the Institute.

5. The Institute shall comprise the following :-

- (i) the Board of Management (hereinafter in the Ordinance referred to as "the Board") ;
- (ii) the Academic Syndicate ;
- (iii) the Board or Boards of Study ;

- (iv) the Departments of Study ;
- (v) the Centres ; and
- (vi) such other bodies as may be approved by the Commission.

6. The Institute shall have the following officers :-

- (i) the Director ;
- (ii) the Deputy Director ; and
- (iii) the holder of any other post declared by the Ordinance to be a post, the holder of which is an officer for the purpose of this paragraph.

7. (1) The first Director of the Institute shall be appointed by the Council of the University (hereinafter referred to as "the Council") on the recommendation of the Vice Chancellor of the University. Every subsequent Director shall be appointed by the Council from among a panel of three persons recommended by the Board of the Institute ;

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

Provided further, the prior approval of the Commission shall be obtained for the appointment of the Director.

- (2) The Director of the Institute shall, unless he vacates office earlier or is removed from office as provided for in sub-paragraph (3), hold office for a period of three years reckoned from the date of his appointment or until he completes his sixty-fifth year, whichever event occurs earlier.
- (3) The Director shall be removed from office by the Council for reasons assigned on a vote of censure passed by not less than two-thirds of the total membership of the Board, at a special meeting convened for such purpose. The members present at such meeting shall elect one person from amongst themselves, other than the Director, to preside at such meeting.
- (4) A Director who resigns or is removed from office, shall if he was immediately prior to his appointment as Director, a member of the staff of a higher Educational Institution revert to his substantive post in such Higher Educational Institution, provided that he has not reached the age of retirement of his earlier post as provided for in the Act.
- (5) Where the Director by reason of illness, absence from Sri Lanka or other cause, is temporarily unable to perform the duties of his office, the Vice Chancellor shall, immediately appoint the Deputy Director to carry out the duties of the office.
- (6) If any vacancy occurs in the office of Director, the Vice Chancellor shall, within seven days of the occurrence of such vacancy, make such arrangements as he may deem fit for the carrying on of the duties of the office of Director. Until such arrangements are made, the deputy Director shall attend to the duties of Director.

8. (1) The Director shall be the principal executive officer and the principal academic officer of the Institute. He shall be an *ex-officio* member of the Board, the Academic Syndicate and all Boards of Study of the Institute. He shall be entitled to be present and speak at any meeting of any other Authority or Body of the Institute but shall not be entitled to vote at any such meeting unless he is a member of such other Authority or Body.

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

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PART I : SEC. (I) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 16.10.2008

- (3) It shall be the duty of the Director to give effect to, or cause effect to be given to the decisions of the Board.
 - (4) The Director shall be the Accounting Officer of the Institute.
 - (5) The Director shall be responsible under the direction of the Vice Chancellor of the University for the maintenance of discipline within the Institute. In the absence of any By-laws relating to discipline, the appropriate By-laws and other rules of the University shall apply.
9. (1) The Deputy Director shall be appointed by the Council on the recommendation of the Board from amongst persons who are Associate Professors, Professors and Senior Professors of the Institute :
- Provided however, that no person shall be appointed as Deputy Director for more than two consecutive terms.
- (2) The recommendation for the appointment of the Deputy Director shall be made to the Board subsequent to the calling of applications from the persons specified in paragraph (1) and upon the selection being made after the holding of an interview. The Composition of the Interview Board shall be as determined by the Board.
 - (3) The Deputy Director shall, unless he vacates office earlier or is removed from office as provided for in sub-paragraph (4), hold office for a period of three years reckoned from the date of his appointment or until he completes his sixty-fifth year, whichever event occurs earlier.
 - (4) The Deputy Director shall be removed from office by the Council for reasons assigned on a vote of censure passed by not less than two-thirds of the total membership of the Board, at a special meeting convened for such purpose.
 - (5) The duties and functions of the Deputy Director shall be as determined by the Board.
10. The Board shall be the academic and executive body of the Institute and shall consist of—
- (1) five *ex-officio* members, namely :—
 - (a) the Director, who shall be the Chairperson ;
 - (b) the Deputy Director ;
 - (c) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education or the Secretary to such other Ministry to which the subject of Higher Education may be assigned or his nominee ;
 - (d) the Secretary to the Ministry of the Minister in charge of the subject of Agriculture or his nominee ; and
 - (e) the Dean of the Faculty of Science of the University ; and
 - (2) Six other members, namely :—
 - (a) two members appointed by the Commission to represent the Argo-Technology and Agri-business industries ;
 - (b) two members appointed by the Council from among its members ;
 - (c) the District Secretary of the Hambantota District or his nominee ; and
 - (d) one member appointed by the Academic Syndicate from amongst its members.

11. (1) The Director shall preside at all meetings of the Board. In the absence of the Director from any meeting of the Board the Deputy Director shall preside. In the absence of both the Director and the Deputy Director from any meeting members shall elect any other member from among the members present to preside at such meeting.
- (2) A nominated or appointed member shall, unless he vacates office earlier, hold office as a member for a period of three years from the date of his nomination or appointment and shall unless removed from office, be eligible for re-nomination, re-election or re-appointment ;
- Provided however that if any nominated appointed member vacates his office prior to the expiry of his term, his successor shall, unless he vacates his office earlier, hold office for the unexpired period of the term of office of his predecessor ;
- Provided further that each nominated or appointed member shall hold office so long as he holds the status by virtue of which he is a member of the Board.
- (3) A nominated or appointed member of the Board may resign his office by a letter in writing addressed to the Chairman of the Commission or the Vice Chancellor as the case may be, and the Chairman of the Body that appointed him, with a copy to the Director of the Institute.
- (4) An appointed member of the Board who without leave of absence fails to attend three consecutive meetings of the Board shall be deemed to have vacated his office as a member of the Board, and the appointing authority shall in accordance with the provisions of this Ordinance, appoint a suitable person to fill the resulting vacancy.
- (5) Every nominated or appointed member of the Board shall be paid such remuneration or allowances as the Commission shall determine.
- (6) The quorum for any meeting shall be one-third the total membership of the Board.
- (7) The Board shall meet whenever necessary. Provided however, that it meets on not less than eight occasions in each year.
- (8) The Director shall, whenever he deems necessary or within one week of the receipt by him of a request in writing from not less than two-thirds of the total membership of the Board, convene a special meeting of the Board. Such a request shall specify the purpose of such special meeting.
12. (1) Subject to the provisions of the Act and of any appropriate Instrument, the Board shall have the power —
- (a) to hold, control and administer property movable or immovable of the Institute ;
- (b) to regulate and to determine all matters concerning the Institute in accordance with the provision of the Act and of any other appropriate Instrument ;
- (c) to administer and control the funds made available to the Institute for its general administration and management and for any other specific purpose ;
- (d) to receive and accept with the concurrence of the Commission, bequests, donations and other grants of property movable or immovable made to the Institute ;

- (e) to evaluate the annual report and the audited annual accounts and balance sheet of the Institute and to submit such report and such accounts to the University and the Commission ;
- (f) to prepare or cause to be prepared the estimates of the Institute for the ensuing financial year and upon approval of the same to submit such estimates to the University and the Commission ;
- (g) to recommend to the University in consultation with the Academic Synficate —
- (i) the degrees , diplomas, certificates and other academic distinctions which shall be awarded in the courses of study ;
 - (ii) the Courses of Study and training to be followed, the examinations to be passed and the other conditions to be satisfied by students who wish to qualify for such certificates and other academic distinctions ;
- (h) to make By-laws or Rules for any matter in respect of which By-laws or Rules are authorized to be made :
- Provided however, that no By-law or Rule relating to courses of study and examinations shall be made except after consideration of reports from the Academic Syndicate ;
- (i) to provide the buildings, premises, furniture, equipment and other material needed for carrying on the work of the Institute ;
- (j) to recommend to Commission in consultation with the University —
- (i) the creation of such posts inclusive of teaching and administrative posts as may be required for the purposes of the Institute and the abolition or suspension of such posts ;
 - (ii) the qualifications required of teachers, officers and other employees to be appointed to the Institute ;
 - (iii) persons who are eligible for appointment as teachers and examiners of the Institute ;
- (k) take necessary action to suspend, dismiss or exercise disciplinary control over the employees of the Institute ;
- (l) to appoint such number of Standing Committees or *ad-hoc* Committees as it may deem fit ; and to specify their terms of reference ; to consider the reports of such Committees and to approve such reports, with or without modification, or to reject such reports ;
- (m) to request the services of persons as are suitable for specific assignments or persons serving in any Faculty of the University suitable for attachment to the Institute ;
- (n) to determine, in consultation with the Academic Syndicate with the concurrence of the University and the Commission the criteria for the selection and admission of students to courses of study, other than the students selected by the Commission under Paragraph (vii) of Section 15 of the Act ;
- (o) to invest with the approval of the Commission, any moneys belonging to the institute including any unapplied income, in any security in which in terms of the provisions of Section 20 of the Trusts Ordinance or any other written law, it is lawful to invest trust moneys ; or with the approval of the Commission, to invest any such moneys in the purchase of immovable property in Sri Lanka or vary such investments. or to place in fixed deposit in any bank approved by the Commission, any portion of such moneys not required for immediate expenditure ; and

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

- (2) No resolution shall be passed by the Board in relation to any academic matter unless the Academic Syndicate has first been given an opportunity of recording and forwarding its opinion thereon to the Board ;

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

In this paragraph "academic matter" means any matter which is subject to the control and general direction of the Academic Syndicate.

13. (1) There shall be an Academic Syndicate which shall consist of :-

- (a) the Director who shall be the Chairperson ;
- (b) the Head of each Department of Study ;
- (c) two officers to represent the Ministries of Agriculture and Irrigation respectively, nominated by the respective Secretaries of such Ministries ;
- (d) a member nominated by each Department of Study ;
- (e) the Co-ordinators of each Course of Study ;
- (f) the Senior Professors, Professors and Associate Professors from each Department of Study of the Institute ;
- (g) two members elected from amongst the permanent staff of the institute engaged in teaching, who are not members falling within (f) above.

- (2) The Academic Syndicate, may with the concurrence of the Board, co-opt one or more than one person for a specific purpose and for a specific period, but no person so co-opted shall have the right to stand for election or to vote at any meeting of the Academic Syndicate.

- (3) The quorum for a meeting of the Academic Syndicate shall be the least number not less than one thirds of its total membership, excluding co-opted members if any.

- (4) The Academic Syndicate shall meet whenever necessary, so however , that it meets on not less than six occasions in each year.

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

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

- (a) consider and report on any mater referred to it by the Board ;
- (b) present recommendations and reports to the Board not being matters connected with the courses of study, teaching programs, training programs, research programs or examinations ;

- (c) appoint committees, which may include persons not being members of the Academic Committee, for the purpose of considering and reporting on any special subject or subjects ;
- (d) recommend to the Board—
 - (i) the requirements for the admission of students to courses of study and examination ;
 - (ii) the persons who are suitable for recognition as teachers or examiners ;
 - (iii) the persons who, having passed the prescribed examinations and having satisfied other prescribed conditions, are eligible for the award of degrees diplomas, certificates and other academic distinctions ;
 - (iv) the mode and conditions of competitions for fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
 - (v) the names of persons suitable for the award of fellowship, scholarships, exhibitions, bursaries, medals and other prizes ; and
- (e) to exercise all other powers of the Institute related to academic matters which are incidental to or consequential upon the powers of the Institute as provided for in this Ordinance or any other appropriate Instrument.

15. There shall be Boards of Study in respect of :-

- (a) Research and Higher Degrees ;
- (b) Internal Academic Programmes ;
- (c) External and Extension Programmes.

16. The Board of Study in respect of Research and Higher Degrees shall consist of :-

- (a) the Director who shall be the Chairperson ;
- (b) the Head of each Department of Study ;
- (c) the Co-ordinators of each Center, or their nominees ;
- (d) one representative nominated by each Department of Study and one by each Centre which is engaged in Research and Development or Postgraduate Teaching ; and
- (e) the members appointed by the Academic Syndicate to co-ordinate each identified programme.

17. (1) The Board of Study in respect of Internal Academic Programmes shall consist of :-

- (a) the Director who shall be the Chairperson ;
- (b) the Head of each Department of Study ;
- (c) all teachers in the present cadre ;
- (d) two nominees appointed by the Board from the public or private sector representing enterprises related to agro-technology ; and
- (e) two students elected from among the internal undergraduate students registered with the Institute.

- (2) The members elected under sub-paragraph (e) of paragraph (1) shall hold office as a member for a period of one academic year, provided such member continues to be registered as an internal undergraduate student. The members so elected shall be excluded from participating at any meeting of the Board of Study convened to discuss examinations or connected matters : any such meeting shall, notwithstanding such exclusion, be deemed to have been duly held.

18. The Board of Study in respect of External and Extension Programmes shall consist of :-

- (a) the Director who shall be the Chairperson ;
- (b) the Co-ordinators of each Centre, or their nominees ;
- (c) one nominee from each Department of Study ; and
- (d) the members appointed by the Academic Syndicate to co-ordinate each identified programme.

19. (1) Every Board of Study may with the Concurrence of the Academic Syndicate, co-opt one or more than one person for a specific purpose and for a specific period, but no person so co-opted shall have the right to stand for election or to vote at any meeting of the Board of Study.

(2) The quorum for a meeting of a Board of Study shall be the least number not less than one third of its total membership, excluding co-opted members if any.

(3) Every Board of Study shall meet whenever necessary, so however, that it meets on not less than ten occasions in each year.

20. There shall be Departments of Study in respect of the disciplines of—

- (a) Agro-technology ;
- (b) Food Technology ;
- (c) Entrepreneurship, Agri-business and Rural Sciences.

21. (1) Each Department of Study shall have a Head of the Department, who shall be a Senior Professor, Professor, Associate Professor or Senior Lecturer. Every Senior Professor, Professor, Associate Professor or Senior Lecturer shall be appointed by the Board upon the recommendation of the Director.

(2) The Head of Department shall, subject to the provisions of any appropriate instrument hold office for a period of three years reckoned from the date of his appointment and shall unless removed from office, be eligible for re-appointment.

(3) Every Head of Department shall receive such remuneration as may be determined by the Board.

(4) Where owing to leave of absence, illness or other cause, the Head of the Department is temporarily unable to perform the duties of his office for a period not exceeding three months, the Board shall appoint a person from among the other Professors, Associate Professors or Senior Lecturers, to act in the place of the Head of Department for such period.

(5) Where a Head of a Department retires or resigns or is for other cause unable to perform the duties of his office for a period exceeding three months, the post of Head of Department shall be deemed to have become vacant and a new Head of Department shall be appointed in terms of Paragraph (1).

22. (1) There shall be Centres in respect of —
- (a) the Agri - business and industry Cell ;
 - (b) the Science Park ; and
 - (c) Extension Programmes.
- (2) Each Centre shall have a Co-ordinator appointed by the Board from amongst the teachers of the Institute.
23. The financial year of the Institute shall be the financial year of the Government.
24. (1) The Institute shall have a fund into which shall be paid -
- (a) all fees to be paid to the Institute in accordance with the provisions of any appropriate Instrument ;
 - (b) all monies voted by Parliament and disbursed by the Commission as grants to the Institute ;
 - (c) all income generated through external or extension activities and services of the Institute ;
 - (d) all income derived from endowments ; and
 - (e) such other monies accruing to the Institute from any source whatsoever.
- (2) A summary of all sums of money paid into the Funds within the course of a particular month, classified under the appropriate heads of revenue shall, before the end of the next ensuing month, be submitted by the Director to the Commission for its information.
- (3) The income received from each of the above categories shall be accounted for separately.
25. It shall be the duty of the Director -
- (a) to keep the accounts of the Institute in such form and manner in accordance with the provisions of any appropriate Instrument or as may be specified by the Board ;
 - (b) to receive all monies paid into the Funds and to credit such monies to the proper head of accounts ;
 - (c) make all authorized payments ; and
 - (d) to prepare for the Board such estimates as are required by the Commission and the annual financial appropriations of the ensuing year.
- Provided however, that income derived from grants made for specific purposes or from endowments for specific objects shall be separately accounted for in the accounts of the Institute, and that no payment shall be made from such income for the general purposes of the Institute or for any purposes or objects other than those for which such grants or endowments were respectively made.
26. (1) The Institute shall prepare an annual statement of accounts, and statistics relating to its activities in such form and manner and containing such particulars as the Commission may from time to time specify.
- (2) The books of accounts of the Institute shall be kept in the office of the Institute.
27. Such provisions of Part XIII of the Act as are relevant to the auditing of the accounts of a Higher Educational Institution shall, *mutatis mutandis*, apply to and in relation to the auditing of the accounts of the Institute.
28. (1) The staff of the Institute shall consist of such officers, teachers and employees as may with the concurrence of the University and where necessary the approval of the Commission be appointed for exercise, performance and discharge of the powers, duties and functions of the Institute.

- (2) The staff of the Institute shall be provided on release by the University from among its own staff or be appointed by the Commission or the University, as the case may be. The provisions of Part X of the Act shall *mutatis mutandis* apply to and in relation to appointments to the staff of the Institute.
- (3) Where an officer, teacher or other employee of the University has been released for service to the Institute on a full-time basis, the Institute shall pay him the salary and the allowances of his substantive post in the University. In any other case, the Institute may pay the officer, teacher or other employees concerned, such allowance as it may determine in consultation with the University and as approved by the Commission.
- (4) The staff of the Institute shall be subject to the direction and the disciplinary control of the Director.
- (5) The staff of the Institute shall be subject to the disciplinary rules and procedures applicable to the staff and the students of the University.

29. The Institute shall have a Student Welfare Society for its internal undergraduate students. The provisions of Part XIV of the Act shall, *mutatis mutandis*, apply, to and in relation to the student welfare society of the Institute.

30. The provisions of Part XIX of the Act shall *mutatis mutandis* apply, to and in relation to the by-laws, regulations and rules made by the Institute.

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

32. In the event of any question arising 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.

33. The Commission may, on the recommendation of the University take necessary steps for the resolution of any contingencies for which no provision is made under this Ordinance.

34. The Constitution of the Magampura Agro-technology and Community Centre which was in existence on the day immediately preceding the date on the coming into force of this Ordinance, is hereby repealed without prejudice to anything done under such Constitution prior to its repeal.

35. In this Ordinance -

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

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

“By-law” means by-laws made under the Act ;

“Higher Educational Institution” means an institution in respect of which an order is made under Section 24 of the Universities Act ;

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

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

“Senate” means the Senate of the University of Colombo.