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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D. - B. 21/78V.

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 as last amended by Universities (Amendment) Act, No. 1 of 1995.

Secretary,
University Grants Commission.

10th March, 2003.

Ordinance

01. This Ordinance may be cited as the Institute of Biochemistry, Molecular Biology and Biotechnology Ordinance No. 1 of 2003 and shall come into force on 01.04.2003.

02. The Institute of Biochemistry, Molecular Biology and Biotechnology (hereinafter referred to as the "Institute") shall be attached to the University of Colombo, Sri Lanka (hereinafter referred to as the "University").

03. Subject to 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 provide for instruction, training, research and development and consultancy in such branches of Biochemistry, Molecular Biology and Biotechnology as may be approved by the Commission upon the recommendation of the Institute and the University ;
- (c) to conduct, with the approval of the University, examinations for the purpose of ascertaining the persons who have acquired proficiency in Biochemistry, Molecular Biology and Biotechnology 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 attainments of the University ;
- (d) to determine with the approval of the University and with the concurrence of the Commission where necessary the degrees, diplomas, certificates and other academic attainments to be awarded in Biochemistry, Molecular Biology and Biotechnology ;

- (e) to co-operate by way of exchange of teachers, students and scholars or otherwise, with Universities or Institutions in Sri Lanka or abroad, having objects similar or substantially similar to those of the Institute ;
- (f) to recommend to the Senate of the University the recognition of examinations passed and the periods of learning or study pursued at the Universities and places of learning of 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-law, and to withdraw such recognition at any time ;
- (g) to erect, equip and maintain libraries, laboratories and other buildings for such instructional, training, research, development or consultancy purposes as are connected with the Institute with the concurrence of the University ;
- (h) to recommend to the University the creation of such teaching, administrative and other posts as may be required for the purpose of the Institute and to provide for the abolition or suspension of the same ;
- (i) to establish and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (j) to make arrangements for conducting courses of study or parts of such courses of study in places outside the Institute in accordance with any by-law requiring provision of the same ;
- (k) to demand and to receive fees in accordance with Government policy and Rule requiring the payment of the same ; and
- (l) 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.

04. The Institute shall have the following officers : —

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

05. (1) The first Director of the Institute shall be appointed by the council of the University on the recommendation of the Vice Chancellor of the University. Thereafter every Director shall be appointed by the council from among a panel of three persons recommended by the Board of Management of the Institute :

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

Provided, further that the concurrence 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 age of retirement, whichever is earlier.

(3) The Director shall be removed from office by the council for reasons assigned on a vote of censure passed by not less than two thirds of the total membership of the Board of Management at a special meeting convened for such purpose.

(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, set out 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, within seven days of the occurrence of such inability, make such arrangements as he may think fit for the carrying on of the duties of the Director, until such arrangements are made, the Registrar, shall carry on the routine duties of the Office.

(6) If any vacancy occurs in the office of Director, the Vice Chancellor shall, within seven days of the occurrence of such vacancy, make such arrangements as he may deem fit for the carrying on of the duties of the office of Director. Until such arrangements are made, the Registrar shall attend to the duties of Director.

6. (1) The Director shall be the principal executive officer and the principal academic officer of the Institute. He shall be an ex-officio member of the Board of Management, and an ex-officio member of the Academic Committee of the Institute. He shall be entitled to be present and speak at any meeting of any other authority or body of the Institute but shall not be entitled to vote at any such meeting unless he is a member of such other authority or body.

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

(3) It shall be the duty of the Director to give effect to, or cause to be given effect to the decisions of the Board of Management.

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

(5) The Director shall be responsible under the direction of the Vice Chancellor of the University for the maintenance of discipline within the Institute. In the absence of any by-laws relating to discipline, the appropriate by-laws and other rules of the University shall apply.

07. The Institute shall comprise the following : -

- (i) the Board of Management ;
- (ii) the Academic Committee ; and
- (iii) such other bodies as may be prescribed by Ordinance to be authorities of the Institute.

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

(1) six ex-officio members, namely : -

- (a) the Director who shall be the Chairperson ;
- (b) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education ;
- (c) the Director, Colombo University School of Computing ;
- (d) the Head of the Department of Biochemistry and Molecular Biology of the University ;
- (e) the Dean of the Faculty of Science of the University ;
- (f) the Dean of the Faculty of Medicine of the University ; and

(2) eight other members, namely : -

- (a) two members nominated by the Council of the University from among its members ;
- (b) two representatives nominated from among its members, by the Senate of the University and appointed by the Council of the University ;
- (c) four members appointed by the Commission from among the persons who have performed distinguished service in the fields of Technology, Education, any related profession or Administration.

09. (1) The Chairman of the Board shall preside at all meetings of the Board. In the absence of the Chairman from any meeting of the Board the members shall elect any other member from among the members preside at such meeting.

(2) Any nominated 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 or re-appointment :

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

Provided further that 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) Any nominated member of the Board may resign his office by a written request addressed to the Director.

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

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

(6) A member of the Board shall be paid such allowances as may be determined by the Commission in consultation with the Minister in charge of the subject of finance.

(7) The quorum for any meeting shall be not less than five members of the Board.

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

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

10. (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 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 Committee the degrees, diplomas, certificates and other academic distinctions and qualifications which shall be awarded in Biochemistry, Molecular Biology and Biotechnology 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 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 Committee ;
- (i) to provide the buildings, premises, furniture, equipment and other material needed for carrying on the work of the Institute ;
- (j) to recommend to the university : -
 - (i) the creation of such posts inclusive of teaching and administrative posts as may be required for the purposes of the Institute and the abolition or suspension of such posts ; and
 - (ii) the qualifications required of teachers, officers and other employees to be appointed to the Institute ;

- (iii) where necessary that action be taken to suspend, dismiss or otherwise punish persons in the employment of the Institute ;
- (iv) persons who are eligible for appointment as teachers and examiners of the Institute ;
- (k) to appoint such number of Standing Committees or ad-hoc Committees as it may deem fit ; to specify their terms of reference ; to consider their reports and to approve such reports, with or without modification, or to reject such reports ;
- (l) to determine, in consultation with the Academic Committee and the concurrence of the University and the Commission, the requirements for the admission of students to courses of study other than the students selected by the Commission under paragraph (vii) of section 15 of the Act ;
- (m) to invest 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 Trust 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.
- (n) to appoint a board of welfare for the promotion of the general well-being of the students of the institute which shall also include representation of the students, to specify the constitution, powers, duties and functions of such board ; and
- (o) 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 Committee as 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 Committee.

11. (1) There shall be an Academic Committee which shall consist of the following persons :-

- (a) the Director who shall be the Chairperson ;
- (b) such teachers and other staff of the Institute imparting instruction in the institute as have been confirmed in their appointment as such ;
- (c) two members appointed from among its own academic staff by the Department of Biochemistry and Molecular Biology of the University ;
- (d) one member elected from among its own academic staff by the Department of Chemistry of the University.

(2) The Academic Committee, 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 Committee.

(3) The provisions of the sub-paragraphs (2), (4) and (5) of paragraph 9 shall *mutatis mutandis*, apply to and in relation to each appointed or elected member of the Academic Committee.

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

(5) The Academic Committee shall meet whenever necessary, so however, that it meets on not less than ten occasions in each year.

12. (1) Subject to the provisions of the Act and of any appropriate instrument the Academic Committee shall have control and general direction over instruction, training, research and examinations of the Institute.

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

- (a) Consider and report on any matter referred to it by the Board ;
- (b) Present recommendations and reports to the Board not being matters connected with the courses of study, teaching programs, training programs, research programs or examinations ;
- (c) appoint committees, which may include persons not being members of the Academic Committee, for the purpose of considering and reporting on any special subject or subjects ;
- (d) recommend to the Board—
 - (i) the requirements for the admission of students to courses of study and examination ;
 - (ii) the persons who are suitable for recognition as teachers or examiners ;
 - (iii) the persons who, having passed the prescribed examinations and having satisfied other prescribed conditions, are eligible for the award of degrees diplomas, certificates and other academic attainments ;
 - (iv) the mode and conditions of competition for fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
 - (v) the names of persons suitable for the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes' and
- (e) to exercise all other powers of the Institute related to academic matters which are incidental to or consensual upon the powers of the Institute as provided for in this Ordinance or any other appropriate Instrument.

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

14. (1) The Institute shall have a fund called the Institute of Biochemistry, Molecular Biology and Biotechnology Fund (hereinafter referred to as the "Fund") into which shall be paid—

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

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

15. It shall be the duty of the Director—

- (i) to keep the accounts of the Institute in such form and manner as may be prescribed by Ordinance ;
- (ii) to receive all monies paid into the Funds and to credit such monies to the proper heads of accounts ;
- (iii) make all authorized payments ; and 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.

16. (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.

17. 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.

18. (1) The staff of the Institute shall consist of such officers, teachers and employees as it may with concurrence of the University and the approval of the Commission appointed for 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.

19. No Act, resolution or proceeding of any Authority or other body 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.

20. In this Ordinance—

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

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

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

“Council” means the Council of the University of Colombo ;

“Vice-Chancellor” means the Vice Chancellor of the University of Colombo ;

“Registrar” means the Registrar of the University of Colombo ;

“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 ;

“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