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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I: SECTION (I)—GENERAL

Government Notifications

L. D.—B. 21/78.

THE UNIVERSITIES ACT, No. 16 OF 1978

ORDINANCE made by the University Grants Commission under section 140 read with section 18 of the Universities Act, No. 16 of 1978.

W. M. A. WIJERATNA BANDA
Secretary,
University Grants Commission.

Colombo, 21st December, 1979.

Ordinance

1. This Ordinance may be cited as the Institute of Indigenous Medicine Ordinance, No. 7 of 1979, and shall come into force on 1st January, 1980.

2. The following Orders made under section 4 (u) read with section 85 of the repealed University of Ceylon Act, No. 1 of 1972, and the following Statute made under section 34 read with section 85 of the aforesaid Act and deemed under section 140 (2) of the Universities Act, No. 16 of 1978, to be an Ordinance made by the Commission under section 18 thereof, are hereby repealed without prejudice to anything already done under such Orders and such Statute :—

- (a) Order published in the *Gazette Extraordinary* No. 234/9 of October 13, 1976 ;
- (b) Order published in the *Gazette Extraordinary* No. 241/2 of November 29, 1976 ;
- (c) Order published in the *Gazette Extraordinary* No. 258/9 of March 30, 1977 ; and
- (d) Institute of Ayurveda Statute, No. 1 of 1977, published in the *Gazette Extraordinary* No. 258/9 of March 30, 1977.

3. Upon the coming into operation of this Ordinance, there shall be established under the provisions thereof an institute to be known as the Institute of Indigenous Medicine (hereinafter referred to as the "Institute").

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

5. Subject to the provisions of the Act, and of any appropriate Instrument and the powers, duties and functions of the Commission, the Institute shall have power—

- (a) to admit students ;
- (b) to provide instruction and training in such branches of indigenous medicine 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 the several branches of indigenous medicine, and to recommend to the University persons, who, having passed such examinations and having satisfied such other conditions as the University may prescribe by By-laws in consultation with the Institute, are eligible for the award of degrees, diplomas, certificates and other academic distinctions of the University ;
- (d) to determine with the approval of the University and the concurrence of the Commission, the degrees, diplomas, certificates and other academic distinctions to be awarded in the several branches of indigenous medicine ;
- (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 to those of the Institute ;
- (f) to recognize examinations passed and the periods of learning or study pursued by persons seeking admission 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 withdraw such recognition at any time ;
- (g) to erect, equip, and maintain for the purpose of the Institute, libraries, laboratories and other buildings whether for instructional, training or research purposes ;
- (h) to recommend to the University 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 ;
- (i) to institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;
- (j) to regulate and provide for the residence, discipline and well-being of students and teachers, officers and other employees of the Institute ;
- (k) to establish and manage halls of residence, to license lodging houses providing residential facilities to students and to provide such other services and facilities as may be necessary for the residence of students of the Institute ;
- (l) to assist students of the Institute to obtain loans from banks and other agencies in accordance with By-laws providing for the same ;
- (m) to make arrangements for conducting courses or parts of courses in places outside the University and the Institute in accordance with any By-law providing for the same ;
- (n) to demand and receive fees in accordance with any Rule providing for the same ; and
- (o) 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 Institute.
6. The Officers of the Institute shall be the following :—
- (i) the Director ; and
- (ii) 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.
7. (1) The first Director shall be appointed by the Commission. Every subsequent Director shall also be appointed by the Commission but from a panel of three persons recommended by the Board of Management of the Institute.
- (2) 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.
- (3) Each Director shall, unless he vacates office earlier or is removed from office under 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) Each 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, other than the Director, to preside at such special meeting.

(5) Each Director who resigns or is removed from office may, if he was a member of the staff of a Higher Educational Institution immediately prior to his appointment as Director, revert to his substantive post in such Higher Educational Institution, provided that he has not completed his sixty-fifth year.

(6) 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.

(7) 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 the office, until a permanent appointment is made under sub-paragraph (1). Until such arrangements are made, the Registrar of the University shall carry on the routine duties of the office.

8. (1) The Director shall be a full-time officer of the Institute, and shall be the principal executive officer and the principal academic officer thereof. He shall be an *ex-officio* member and Chairman of the Board of Management and an *ex-officio* member of each Departmental Committee. 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 of Management, to ensure 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.

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

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

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

9. The Authorities of the Institute shall be the following :—

- (i) the Board of Management ;
- (ii) the Departmental Committee or Committees ; and
- (iii) such other bodies as may be prescribed by Ordinance to be such Authorities.

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

(1) 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 Health or the nominee of such Secretary ;
- (d) the Commissioner of Ayurveda ;
- (e) the Director of the Bandaranaike Memorial Ayurveda Research Institute ;
- (f) the Medical Superintendent of the Central Ayurvedic Hospital ;
- (g) the Dean of the Faculty of Medicine of the University ; and
- (h) the Head of each Department of Study of the Institute.

(2) the following other members, namely—

- (a) three members elected from among its own members by the Faculty of Medicine of the University ;
- (b) one member appointed from among its own members by the Ayurveda Medical Council; and
- (c) eight members appointed by the Commission from among persons who have rendered distinguished service in cultural, educational, professional or administrative spheres :

Provided, however, that at least five members so appointed shall be from among the members of the indigenous medical profession.

11. (1) The Chairman of the Board shall be the Director who shall preside at all meetings of the Board. If the Chairman is unable to preside at a meeting, the members shall elect any member present to preside at such meeting.

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

Provided, however, that if any elected 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 portion of the term of office of his predecessor :

Provided further that each elected member shall hold office so long however only as he retains the status or membership by virtue of which he was eligible for election as a member of the Board.

(3) Any elected member of the Board may resign his office by writing under his hand addressed to the Director.

(4) Any appointed member of the Board may resign his office by writing under his hand 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 Commission shall appoint a fit person to fill the resulting vacancy.

(6) A member of the Board shall not be entitled to any remuneration, but a member, not being an *ex-officio* member, may be paid such allowances as the Minister shall, in consultation with the Minister in charge of the subject of Finance, determine.

(7) The quorum for a meeting of the Board shall be one-third of its total membership.

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

(9) The Director shall, whenever he thinks necessary or within one week 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.

12. (1) 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.

(2) Subject to the provisions of the Act and of any appropriate Instrument, the Board shall have control and general direction of instruction, education, research and examinations in the Institute.

(3) Without prejudice to the generality of the powers conferred upon it by sub-paragraphs (1) and (2) 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 receive and accept, with the concurrence of the Commission, bequests, donations and other grants of property to the Institute ;

(e) to consider the annual report and the annual accounts of the Institute and to submit such report and such accounts to the University and the Commission ;

(f) to prepare the financial estimates of the Institute and to submit such estimates to the University and the Commission ;

(g) to recommend to the University, in consultation with the Departmental Committee or Committees concerned, the degrees, diplomas, certificates and other academic distinctions which shall be awarded in the several branches of indigenous medicine, and the courses of study and training to be followed, the examinations to be passed and the other conditions to be satisfied by students who wish to qualify for such degrees, diplomas, certificates and other academic distinctions ;

- (h) to draft By-laws for any matter in respect of which By-laws are authorised 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 Departmental Committee or Committees concerned ;
- (i) to draft, after consideration of reports from the Departmental Committee or Committees concerned, Regulations relating to courses of study and examinations and to submit such drafts to the Senate of the University ;
- (j) to draft Rules for any matter in respect of which Rules are authorised to be made or may be made, and to submit such drafts to the Council or the Senate, as the case may be, of the University for enactment ;
- (k) to provide the buildings, premises, furniture, equipment and other material needed for carrying on the work of the Institute ;
- (l) to recommend to the University—
- (a) 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
 - (b) the qualifications of teachers, officers and other employees to be appointed to the Institute ;
- (m) to recommend to the University to suspend, dismiss or otherwise punish persons in the employment of the Institute ;
- (n) to recommend to the Council of the University such persons as are suitable for recognition as teachers and examiners of the Institute ;
- (o) to recommend to the Commission, after consideration of reports from the Departmental Committee or Committees concerned and with the approval of the University—
- (i) schemes for the re-organization of existing Departments of Study and the organization of new Departments of Study ; and
 - (ii) the assignment of branches of indigenous medicine to the respective Departments of Study.
- (p) 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 either approve such reports, whether with or without modification, or to reject such reports ;
- (q) to determine, in consultation with the Departmental Committee or Committees concerned and the concurrence of the University and the Commission, the requirements for the admission of students to courses of study ;
- (r) to appoint a Board of Welfare, which shall also include representatives of the students, for the promotion of the general well-being of the students of the Institute, and to specify the composition, powers, duties, and functions of such Board ;
- (s) to invest any moneys 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 deposit in any bank approved by the Commission, any portion of such moneys not required for immediate expenditure ; and
- (t) to exercise all other powers of the Institute, the exercise of which is not otherwise provided for in this Ordinance or any other appropriate Instrument :

Provided that, no resolution shall be passed by the Board in relation to any academic matter unless the appropriate Departmental Committee has first been given an opportunity of recording and transmitting its opinion thereon to the Board :

Provided further 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 appropriate Departmental Committee.

13. The Institute shall establish a Department of Study in respect of each of the following branches of indigenous medicine, and for each other branch of indigenous medicine approved by the Commission upon the recommendation of the Board of Management and the University :—

- (1) Ayurveda ;
- (2) Siddha ; and
- (3) Unani.

14. (1) Each Department of Study shall have a Head of Department, who shall be a full-time officer of the Institute and the administrative and academic head of that Department. He shall be appointed by the Board from among the teachers of that Department upon the recommendation of the Director.

(2) The Head of each 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) Where, owing to leave of absence, illness or other cause, any Head of Department is temporarily unable to perform the duties of his office for a period not exceeding three months, the Director shall appoint another teacher of the Department concerned to act in the post of Head of Department for such period. Where however any Head of Department retires or resigns, or is for any other reason unable to perform the duties of his office for a period exceeding three months, the post of Head of Department shall be deemed to be vacant, and a new Head of Department shall be appointed in accordance with sub-paragraph (1). The person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

15. (1) Each Department of Study shall have a Departmental Committee which shall consist of the following persons :—

- (a) the Head of the Department, who shall be the Chairman ;
- (b) the Director ;
- (c) such teachers and other staff of the Department of Study imparting instruction in the Institute as have been confirmed in their appointments as such ; and
- (d) three persons, not being members of the Institute, appointed by the Board from among persons of eminence in the branch of indigenous medicine relevant to the Department of Study.

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

(3) The provisions of sub-paragraphs (2), (4) and (5) of paragraph 11 shall, *mutatis mutandis*, apply to and in relation to each appointed member of any Departmental Committee.

(4) Each Departmental Committee shall have a Secretary who shall be elected by that Committee from among its members under clause (c) of sub-paragraph (1).

(5) The quorum for a meeting of any Departmental Committee shall be one-third of its total membership, excluding co-opted members, if any.

(6) Each Departmental Committee shall meet whenever necessary, so however that it meets on not less than ten occasions in each year.

16. (1) Subject to the provisions of the Act and of any appropriate Instrument, each Departmental Committee shall have control and general direction of instruction, education, research and examinations in the branch of indigenous medicine concerned.

(2) Without prejudice to the generality of the powers conferred upon it by sub-paragraph (1), each Departmental Committee shall exercise, perform and discharge the following powers, duties and functions in respect of the branch of indigenous medicine concerned :—

- (a) to consider and report on any matter referred to it by the Board ;
- (b) to present recommendations and reports to the Board on all matters connected with the courses of study, teaching programme or programmes, and examinations in that branch of indigenous medicine ;

- (c) to appoint committees, which may include persons other than members of the Departmental Committee for the purpose of considering and reporting on any special subject or subjects ;
- (d) to recommend to the Board, requirements for the admission of students to courses of study and examinations ;
- (e) to draft Regulations relating to courses of study and examinations in that branch of indigenous medicine and to submit such drafts to the Board ;
- (f) to recommend to the Board such persons as are suitable for recognition as teachers and examiners ;
- (g) to recommend to the Board, persons who, having passed the prescribed examinations in that branch of indigenous medicine and having satisfied other prescribed conditions, are eligible for the award of degrees, diplomas, certificates and other academic distinctions in that branch ;
- (h) to recommend to the Board the mode and conditions of competition for fellowships, scholarships exhibitions, bursaries, medals and other prizes ;
- (i) to recommend to the Board the names of persons suitable for the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes ; and
- (j) to recommend to the Board—
 - (a) schemes for the re-organization of existing Departments of Study and the organization of new Departments of Study ; and
 - (b) the assignment of branches of indigenous medicine to the respective Departments of Study.

17. The financial year of the Institute shall be the same as the financial year of the Government.

18. (1) The Institute shall have a fund to be called the Institute of Indigenous Medicine Fund (hereinafter referred to as the " Fund "), into which shall be paid—

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

(2) A summary of all sums of money paid into the Fund 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.

19. 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 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 purpose or object other than that for which such grants or endowments were respectively made.

20. (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.

21. 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.

22. (1) The staff of the Institute shall consist of such officers, teachers and other employees as it 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.

(2) The staff of the Institute shall be provided on release by the University from 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 employee concerned, such allowance as it may determine in consultation with the University and the approval of the Commission.

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

23. If any question arises as to whether any person has been duly elected, appointed, nominated or co-opted as, 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.

24. 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 member.

25. In this Ordinance—

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

“ appropriate instrument ” means any Order, Ordinance, Statute, By-law, Regulation or Rule made in accordance with the provisions of the aforesaid Act ;

“ branch of indigenous medicine ” means Ayurveda, Siddha, Unani or any other branch approved by the Commission upon the recommendation of the Institute and the University ;

“ Commission ” means the University Grants Commission established under the aforesaid Act ; and

“ teacher ” means a Professor, Associate Professor, Senior Lecturer, Lecturer or Assistant Lecturer or the holder of any other post declared by Ordinance to be a post, the holder of which is a teacher.