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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

Order under Section 24A (1)

BY virtue of the powers vested in me by Sub section (1) of Section 24A of the Universities Act, No. 16 of 1978 read with Article 44(2) of the Constitution of Democratic Socialist Republic of Sri Lanka, I, Chandrika Bandaranaike Kumaratunga, President of the Democratic Socialist Republic of Sri Lanka, in consultation with the University Grants Commission, do by this Order —

- (1) establish with effect from 01st September, 2005 a centre for higher learning for the purpose of providing, promoting and developing higher education in Arts, Humanities and Social Sciences ; and
- (2) assign to such centre the name and style of “the National Centre for Advanced Studies in Humanities and Social Sciences.”

CHANDRIKA BANDARANAIKE KUMARATUNGA,
President.

Colombo.
10th October, 2005.

11—35/1

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
22nd September, 2005.

ORDINANCE

1. This Ordinance may be cited as the National Centre for Advanced Studies in Humanities and Social Sciences Ordinance No. 02 of 2005, and shall come into operation on 01st September, 2005.

2. This Ordinance shall apply to the National Centre for Advanced Studies in Humanities and Social Sciences (hereinafter referred to as the "Centre") established by Order dated 10.10.2005 made by the President under Section 24A of the Universities Act, No. 16 of 1978. (hereinafter referred to as the "Act")

3. Upon the above Order made under Section 24A, coming into force, the Centre shall be a body corporate with perpetual succession and the name and style assigned to it by that Order with full power and authority to have and use a common seal and to alter the same at its pleasure and may sue and besued in such name.

4. The objects of the Centre shall be—

- (1) to encourage and nurture reflective thinking and innovative ideas, and to support research characterized by creativity and originality, at a national level and especially within the University System, in fields falling within the scope of the Centre ;
- (2) to contribute to the building of national capacity to absorb new knowledge and advanced ideas ;
- (3) to provide opportunities for post-graduate studies and training, at levels comparable with those offered in their respective fields by similar centres of learning and research reputed internationally, under the guidance and supervision of academics and other specialists from national and foreign universities and from outside the University System ;
- (4) to contribute to the generation of human-resources and the development of academic and professional specialization in all fields falling within the scope of the Centre ;
- (5) to cater for the interest and capabilities of the emerging academic and professional communities in fields falling within the scope of the Centre.

5. Subject to the provisions of the Universities Act, No. 16 of 1978 and any other written law, the Centre shall have the following powers and functions—

- (1) to appoint Fellows and Senior Fellows, who will be members of the Centre and who will serve in an honorary capacity to advise and assist the Centre in carrying out its objects ;

- (2) to have the Senior Fellows, who will be collectively referred to as the College of Senior Fellows meet from time to time to interact and collectively exercise their advisory and academic functions ;
- (3) to appoint, from time to time, research fellows and research scholars, supported by research grants, to undertake research programmes ;
- (4) to provide programmes of study including postgraduate courses in any approved branches of learning and to select and admit candidates to those courses ;
- (5) to conduct examinations ;
- (6) to award degrees, diplomas and other academic distinctions to persons who have pursued approved programmes of study in the Centre and passed the examinations of the Centre prescribed by by-laws ;
- (7) to co-operate in exchanging teachers, students and scholars with other Universities or Institutions in or outside Sri Lanka ;
- (8) to confer honorary degrees and other academic distinctions on persons recommended by the Council of Management of the Centre and approved by the Council of Regents ;
- (9) to enforce discipline and provide for the welfare of Senior Fellows, fellows research students and employees of the Centre ;
- (10) to charge any fee in accordance with any regulation or by-law providing for by the same ;
- (11) to formulate a corporate plan setting out the objects, strategies and an action plan for such specific period as shall be determined by the University Grants Commission (hereinafter referred to as the "Commission") ;
- (12) to conduct training programmes and orientation programmes for the employees of the Centre ; and
- (13) to do such other things as may be necessary to carry out the objects of the Centre.

6. The authorities of the Centre shall be :—

- (a) the Council of Regents ;
- (b) the Council of Management ;
- (c) the Academic Syndicate and Boards of Study.

7. (1) The Council of Regents shall be the principal policy making body and the governing authority of the Centre.

(2) The Council of Regents shall consist of :—

- (a) The Head of State ;
- (b) Chairman of the Commission ;
- (c) Chairman of the Council of Management ;
- (d) Director,

- (e) Dean, Director or Rector of any Faculty, including Faculties of Graduate Studies, Campuses or Institutes which the principal or major academic discipline comes within the fields of Arts, Humanities, Social Sciences, Law and Education ;
- (f) Four Vice Chancellors nominated by the Committee of Vice Chancellors and Directors, who are not members of the Council of Regents under other subparagraphs of this paragraph, rotated among Universities every three years ;
- (g) Four members nominated by the Council of Management from amongst persons of eminence in the fields of Arts, Humanities, Social Sciences, Law, Education or related fields ;
- (h) Four members appointed by the Commission from amongst persons of eminence in the fields of Arts, Humanities, Social Sciences, Law, Education or related fields ;
- (i) Four members nominated by the 'College of Senior Fellows' from amongst persons of eminence in the fields of Arts, Humanities, Social Sciences, Law, Education or related fields, provided however, the first four members specified herein are appointed by the University Grants Commission for a period of three years or until the 'College of Senior Fellows' has been duly constituted within a period not earlier than two years from the first meeting of the Council of Regents, whichever occurs earlier.

(3) The Head of State shall be the Chairman of the Council of Regents, who shall preside at all meetings of the Council of Regents. If the Head of State is unable to preside at a meeting, the members present shall elect a member from amongst themselves to preside at such meeting.

(4) Subject to the provisions of sub-paragraph (5) any appointed or nominated member of the Council of Regents shall, unless he vacates office earlier, hold office for a term of three years from the date of his appointment or nomination and shall unless removed from office, be eligible for re-appointment or re-nomination ;

Where an appointed or nominated member vacates his office prior to the expiry of his term, his successor shall unless he vacates his office earlier, hold office for the un-expired part of the term of office of the member whom he succeeds.

(5) Any appointed or nominated member of the Council of Regents may resign from his office by letter addressed to the Director of the Centre with a copy to the body that nominated such member.

(6) If an appointed or nominated member of the Council of Regents, for any reason, absents himself from three consecutive meetings of the Council of Regents he shall be deemed to have vacated office as a member of the Council of Regents and the appointing or nominating body shall appoint or nominate as the case may be, another person in place of the member who vacated office.

(7) The appointed and nominated members of the Council of Regents shall be entitled to any remuneration or allowance as approved by the Commission.

(8) The quorum for a meeting of the Council of Regents shall be one third of its total membership.

(9) The Council of Regents may meet whenever necessary, provided however that it shall meet at least twice each calendar year.

(10) The Chairman of the Council of Regents shall, whenever he thinks that it is necessary or within one week from the receipt by him of a written request in that behalf from not less than one-third of the total membership of the Council of Regents, convene a special meeting of the Council of Regents.

8. Registrar of the Centre shall be the Secretary to the Council of Regents.

9. Subject to the provisions of this Ordinance, the Council of Regents shall exercise, discharge and perform the powers, duties and functions conferred or imposed on, or assigned to the Centre.

10. Without prejudice to the generality of the powers conferred upon it by paragraph 5, the Council shall exercise, discharge and perform the following powers, duties and functions :-

- (a) to select a Court of Arms and common seal of the Centre and alter them at its pleasure ;
- (b) to confer honorary degrees or other academic distinctions on persons recommended by the Council of Management ;
- (c) to make policy decisions and by-laws on any matter in respect of which by-laws are authorized to be made ;
- (d) to exercise all other powers of the Centre in relation to the attainment of the objects of the Centre, the exercise of which is not otherwise provided for in this Ordinance or any other Instrument ;
- (e) to pass any resolution in relation to any academic, financial or administrative matter in consultation with the Council of Management ;

11. (1) The Council of Management shall be the administrative and academic authority of the Centre.

(2) The First Council of Management shall be appointed by the Commission and shall function as the Interim Council of Management for a period of one year from the date of this Ordinance or till such time as the Council of Management is established as specified in paragraph 11(3).

(3) The Council of Management shall consist of—

- (i) the Director ;
- (ii) the Dean, the Director or the Rector of any Faculty, including Faculties of Graduate Studies, Campus or Institute, the principal academic discipline of which comes within the field of Arts, Humanities, Social Sciences, Law and Education ;
- (iii) the Chairman of each Board of Study of the Centre ;
- (iv) four members appointed by the Commission from amongst persons of eminence in related fields.

(4) The Chairman of the Council of Management shall be appointed by the Commission from amongst persons of eminence in any field of the Arts, Humanities, Social Sciences, Law and Education.

(5) Every appointed member shall hold office for a period of three years from the date of his appointment.

Where an appointed member retires or resigns or otherwise vacates office by reason of illness or absence from Sri Lanka and unable to attend three consecutive meetings of the Council of Management, another person shall be appointed in his place for the unexpired part of the term of office of the member whom he succeeds.

(6) The quorum for a meeting of the Council of Management shall be one-fourth of its total membership.

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(7) The Council of Management shall have general control over, and direction of the administration and conduct of education, research and examinations of the Centre.

(8) Subject to the provisions of the Act, and without prejudice to the generality of the powers conferred upon it by paragraph 11(7), the Council of Management shall exercise, discharge and perform the following powers, duties and functions ;—

- (a) to direct the use of the common seal of the Centre which shall be in the custody of the Registrar of the Centre and ensure that the common seal should not be affixed to any instrument or document except in the presence of the Secretary and the Registrar of the Centre and in the absence of any one of the above, a member nominated by the Director in that behalf ;
- (b) to make regulations after consideration of reports from the Board of Study or Boards of Study ;
- (c) to appoint examiners upon consideration of the recommendations from the Board of Study or Boards of Study ;
- (d) to institute, abolish or suspend posts of teacher and other academic posts in consultation with the Board of Study ;
- (e) to implement reports from the Board of Study or Boards of Study on :
 - (i) schemes for the re-organization of the existing Board or Boards of Study and the organization of new Board of Boards of Study ; and
 - (ii) the assignment of subjects of study to the respective Board or Boards of Study ;
- (f) to award fellowships, scholarships, bursaries, medals and other prizes on such conditions as may be decided by the Council of Regents.
- (g) to appoint such number of Committees as it may deem necessary and to specify the terms of reference, thereof, and to consider their reports and with or without modifications, to approve such reports or to reject such reports ;
- (h) to recommend to the Council of Regents, the requirements for the admission of students to courses of study ;
- (i) to provide for general wellbeing of and amenities for the persons attached to the Center to perform any other administrative function prescribed by regulation or by-law ;
- (j) to hold, control and administer the property and funds of the Centre ;
- (k) to regulate and to determine all matters concerning the Centre in accordance with the provisions of this Ordinance or of any appropriate Instrument, except those specifically assigned to the Council of Regents ;
- (l) to administer any fund placed at the disposal of the Centre, for specific purposes ;
- (m) to receive and accept with the concurrence of the Commission, bequests, donations, grants of property for the purposes of the Centre ;
- (n) to acquire property both movable and immovable, by way of purchase or otherwise ;

- (o) to sell, mortgage, lease, exchange or otherwise dispose of any such property, subject to any restriction, condition or prohibition imposed by law or by any appropriate Instrument by which any such property was vested in the Centre.
- (p) to consider the annual report and the annual accounts of the Centre and to submit such reports and such accounts to the Commission ;
- (q) to prepare the financial estimate of the Centre and to submit such estimates to the Commission ;
- (r) to provide buildings, premises, furniture, equipments and other materials required for the carrying out of the functions of the Centre ;
- (s) to appoint, suspend, dismiss or otherwise take disciplinary action against, person employed by the Centre ; and
- (t) to enter into contracts on behalf of the Centre, and to invest any moneys belonging to the Centre including any unapplied income, in any security in terms of the provisions of section 20 of the Trust Ordinance or of any other written law with the approval of the Commission.

12. (1) There may be established a Management Committee of the Center for the purposes of advising the Council of Management, Director and officers of the Centre on administrative and organizational matters ;

(2) The powers of the Management Committee and the procedure for conducting its business may be prescribed by regulation or by-law.

13. (1) There shall be an Academic Syndicate of the Centre for the purpose of advising the Council of Management on matters referred to it by the Boards of Study.

(2) The Academic Syndicate shall consist of -

- (a) the Director who shall be the Chairman of the academic Syndicate ;
- (b) Chairman of each Board of Study and two other nominees from each Board ;
- (c) three members of the Council of Regents of proven academic excellence ;
- (d) three nominees from the Commission who are independent of the members, referred to in sub-paragraphs (b) and (c).

14. (1) The Council of Management shall establish Boards of Study for different disciplines, sub-disciplines and inter-disciplines and the constituency of such Boards of Study shall be as prescribed by by-law.

(2) The Chairman of any Board of Study shall be elected by the members of each Board of Study.

(3) Subject to the provisions of this Ordinance, a Board of Study shall exercise, perform and discharge the following powers, duties and function -

- (i) Considering and reporting on any matter referred to it by the Council of Management ;
- (ii) Regulating matters relating to teaching, examinations and research subject to the control of the Council of Management ;

- (iii) Making recommendations and presenting reports to the Council of Management on all matters relating to the courses of study and examinations in the Board of study ;
- (iv) Recommending to the Council of Management to appoint and set down terms of reference, and decide on allowances for members of Sub-committees, which may include persons other than members of the Board, for the purpose of considering and reporting on any special subject or subjects ; and
- (v) Recommending to the Council of Management, persons suitable for appoint as examiners.

15. The Officers of the Centre shall be-

- (1) the Director,
- (2) the Registrar,
- (3) the Bursar,
- (4) the Librarian ; and
- (5) any person holding any other post approved by the Ordinance.

16. (1) (a) The Director shall be a full time Officer of the Centre and the first Director of the Centre shall be appointed by the Commission for a term of three years. Any succeeding director shall be appointed by the Commission, from among three names recommended by the Council of Regents, provided that the names have been recommended through established recruitment procedure ;

(b) No person shall be appointed as the Director of the Centre for more than two consecutive terms ;

(c) The Director of the Centre may be removed from office by the Commission following due process for removal ;

(d) The Director shall have a status equal to that of a Head of a Higher Educational Institution.

(2) The Director shall be the Principal Executive Officer, Principal Academic Officer and the Chief Accounting officer of the Centre. He shall be responsible for the maintenance of discipline within the Centre.

(3) It shall be the duty of the Director to implement such directions as may from time to time be lawfully issued to him in that behalf by the Council of Regents to ensure that the provisions of this ordinance and of any appropriate Instruments are duly given effect to, and he shall have and may exercise all such powers as he may deem necessary for the purpose.

(4) The Director shall unless he vacates office earlier or is removed from office under paragraph 16(1)(c) , hold office for a term of three years.

(5) If the Director by reason of leave, illness, absence from Sri Lanka or for any other cause is temporarily unable to perform the duties of his office, for a period exceeding five days, the Commission shall within seven days of the occurrence of such inability, make such temporary arrangements as it may think appropriate for the carrying out of the duties of his office.

(6) If the Director retires, resigns from office or for other reasons is unable to perform the duties of his office for a period exceeding three months, the post shall be deemed to be vacant at the expiration of that three months.

(7) If any vacancy occurs in the office of the Director, the Commission shall within seven days from the date of occurrence of such vacancy make such arrangements as it may think fit for the carrying out of the duties of his office, until a person is permanently appointed to that post under the preceding provisions of this paragraph.

17.(1) The Registrar who shall be a full time officer of the Centre shall be appointed by the council of Management in accordance with the scheme of recruitment and procedure for appointment prescribed by rules made by the Commission and shall be responsible for the custody of the records and the property of the Centre. He shall also be the Assistant Accounting Officer of the Centre.

(2) The Registrar shall, subject to the directions and control of the Director be responsible for general administration of the Centre and disciplinary control of non-academic staff.

18.(1) The Bursar who shall be a full time officer of the Centre shall be appointed by the Council of Management in accordance with the scheme of recruitment and procedure for appointment prescribed by rules made by the Commission.

(2) The Bursar shall be subject to the direction and control of the Registrar and be responsible for the administration of the finances of the Centre. He shall have the custody of the funds of the Centre.

19.(1) The Librarian who shall be a full time officer of the Centre shall be appointed by the Council of Management in accordance with the scheme of Recruitment and procedure for appointment prescribed by rules made by the Commission.

(2) The Librarian shall be subject to the direction and control of the Director and be responsible for the administration of the Library of the Centre.

20.(1) The Centre shall hold Convocations to confer degrees, once every year on such date or dates as may be decided by the Council of Regents. Provided however that the Centre may hold a special convocation at such other times as the Council of Regents may determine.

(2) The procedure of a Convocation shall be prescribed by by-laws.

(3) The President shall preside at a Convocation, in his absence, the Chairman of the Council of Management shall preside at such Convocation.

21. (1) The staff of the Centre shall consist of such officers and other employees deemed necessary for the efficient exercise, performance and discharge of the powers, duties and functions of the Centre.

(2) The provisions of Part X of Act, No. 16 of 1978 shall, *mutats mutandis*, apply to and in relation to appointments to staff of the Centre unless otherwise provided in this Ordinance.

22. The financial year of the Centre shall be the calendar year.

23.(1) The Centre shall have its own fund called the "National Centre for Advanced Studies in Humanities and Social Sciences Fund" (hereinafter referred to as the "Fund") to which shall be paid all monies derived from whatever sources.

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

24. It shall be the Duty of the director -

- (1) to ensure that accounts of the Centre are maintained in such form and manner as may be prescribed by the Council of Regents ;
- (2) to receive all moneys paid into the Funds and to credit such moneys to the proper heads of accounts ;
- (3) to make all authorized payments ; and
- (4) to prepare for the Council of Regents such estimates as are required by the Commission and the annual financial appropriation of the ensuing year.

25.(1) The Centre shall prepare an annual statement of accounts and statistics relating to its activities in such form and manner as the Commission may from time to time specify.

(2) The books of accounts of the Centre shall be kept in the office of the Centre.

26. Provisions of Part XIII of Act, No. 16 of 1978 applicable 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 Centre.

27. Where no provision has been made by this Ordinance in respect of any matter relating to the Centre, the relevant provision of the Act, No. 16 of 1978 shall, *mutatis, mutandis*, apply in relation to such matters.

28. In making the preliminary arrangement for the functioning of the Centre the first Director may exercise, perform and discharge all such powers, duties and functions of any or all the Authorities and officers of the Centre by himself or through existing mechanism established by the Commission for the purpose, until such time the authorities are duly constituted and such officers are duly appointed or elected under this Ordinance.

29. In this Ordinance :-

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

“Appropriate Instrument” means any order, ordinance, by-law, regulation or rule made in accordance with the provisions of Act, No. 16 of 1978 ;

“Minister” means the Minister in charge of the subject of Higher Education.