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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, 28th March, 1980.

Ordinance

1. This Ordinance may be cited as the Postgraduate Institute of Medicine Ordinance, No. 1 of 1980, and shall come into force on 10th April, 1980.

2. The Postgraduate Institute of Medicine Ordinance, No. 2 of 1979, made by the Commission under section 18 of the Act and published in the *Gazette Extraordinary* No. 38/2 of May 28th, 1979, is hereby repealed without prejudice to anything already done under the aforesaid Ordinance.

3. Upon the coming into operation of this Ordinance, there shall be established under the provisions thereof an institute to be known as the Postgraduate Institute of 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 for postgraduate instruction, training and research in such specialities in medicine as may be approved by the Commission upon the recommendation of the Institute and the University;
- (c) to determine with the approval of the University and the concurrence of the Commission, the postgraduate degrees, diplomas, certificates and other academic distinctions to be awarded in the several specialities in medicine;

- (d) to conduct with the approval of the University postgraduate examinations for the purpose of ascertaining the persons who have acquired proficiency in the several specialities in 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 postgraduate degrees, diplomas, certificates and other academic distinctions of the University;
- (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 recognise 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 institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes;
- (i) to make arrangements for conducting research and courses or parts of courses in places outside the University and the Institute in accordance with any By-law providing for the same;
- (j) to recognize with the concurrence of the University such persons as may be approved by the Institute, as teachers and examiners of the Institute;
- (k) to demand and receive fees in accordance with any Rule providing for the same; and
- (l) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be necessary in order to further the objects of the Institute.

6. The Officers of the Institute shall be the following:—

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

7. (1) Upon the coming into operation of this Ordinance, the first Director appointed under sub-paragraph (1) of paragraph 7 of the Postgraduate Institute of Medicine Ordinance, No. 2 of 1979, shall, notwithstanding the repeal of that Ordinance, continue to hold office as the first Director of the Institute. He shall, unless he vacates office earlier or is removed from office under sub-paragraph (4), hold such office for the unexpired portion of the period of three years reckoned from the date of his appointment.

(2) Every subsequent Director shall be appointed by the Commission but from a panel of three persons recommended by the Board of Management of the Institute. 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) A Director shall be removed from office by the Chairman of the Commission on a vote of censure passed by not less than two-thirds of the total membership of the Board of Management, at a special meeting convened for the purpose. The members present at such special meeting shall elect from among themselves a person, 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 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 (2). 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 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 each Board of Study. He shall be entitled to convene, be present and speak at, any meeting of any other Authority or body of the Institute but shall not be entitled to vote at any such meeting unless he is a member of such other Authority or body.

(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 and of each Board of Study.

(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—

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

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 Secretary to the Ministry of the Minister in charge of the subject of Finance or the nominee of such Secretary ;
- (e) the Director of Health Services ;
- (f) the Deputy Director of Health Services in charge of the subject of Public Health Services ;
- (g) the Deputy Director of Health Services in charge of the subject of Medical Services ;
- (h) the Deputy Director of Health Services in charge of the subject of Laboratory Services ;
- (i) the Dean of the Faculty of Medicine of the University of Colombo, Sri Lanka ;
- (j) the Dean of the Faculty of Medicine of the University of Peradeniya, Sri Lanka.

(2) the following other members, namely—

- (a) two members elected by the Faculty of Medicine of the University of Colombo, Sri Lanka, (other than the Dean of the Faculty), from among the Heads of the Departments of Community Medicine, Medicine, Surgery, Obstetrics and Gynaecology, Paediatrics and Psychiatry of that Faculty ;
- (b) two members elected by the Faculty of Medicine of the University of Peradeniya, Sri Lanka, (other than the Dean of the Faculty) from among the Heads of the Departments of Community Medicine, Medicine, Surgery, Obstetrics and Gynaecology, Paediatrics, and Psychiatry of that Faculty ;
- (c) one member elected by the Faculty of Medicine of the University of Jaffna, Sri Lanka, from among the Heads of the Departments of Community Medicine, Medicine, Surgery, Obstetrics and Gynaecology, Paediatrics and Psychiatry of that Faculty ;

(d) one member elected by the Faculty of Medicine of the Ruhuna University College from among the Heads of the Departments of Community Medicine, Medicine, Surgery, Obstetrics and Gynaecology, Paediatrics and Psychiatry of that Faculty; and

(e) eight members appointed by the Commission from among persons who have rendered distinguished service in educational, professional, scientific or administrative spheres:

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

11. (1) The Chairman of the Board shall be elected by the members thereof from among their number and 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) The Chairman shall hold office as such for a period of one year reckoned from the date of his election and shall be eligible for re-election.

(3) Any appointed or elected 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.

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

(5) An appointed member of the Board may resign his office by writing under his hand addressed to the Chairman of the Commission.

(6) 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.

(7) 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.

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

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

(10) 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 the powers and perform and discharge the 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 Board or Boards of Study concerned, the postgraduate degrees, diplomas, certificates and other academic distinctions which shall be awarded in the several specialities in 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 Board or Boards of Study concerned;

(i) to draft, after consideration of reports from the Board or Boards of Study concerned, Regulations relating to courses of study and examinations, and to submit such drafts to the Senate of the University for enactment;

(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 buildings, premises, furniture, equipment and other materials needed for carrying on the work of the Institute;

(l) to recommend to the Council of the University in consultation with the Board or Boards of Study concerned, such persons as are suitable for recognition as teachers and examiners of the Institute;

(m) to recommend to the Commission, after consideration of reports from the Board or Boards of Study concerned and with the approval of the University—

(i) schemes for the re-organization of existing Boards of Study and the organization of new Boards of Study; and

(ii) the assignment of specialities in medicine to the respective Boards of Study;

- (n) 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 their reports and to either approve such reports, whether with or without modification, or to reject such reports ;
- (o) to determine, in consultation with the Board or Boards of Study concerned and the concurrence of the University, the requirements for the admission of students to courses of study ;
- (p) 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
- (q) 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 Board of Study 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 Board of Study.

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

- (a) Anaesthesiology ;
- (b) Community Medicine ;
- (c) Dental Surgery ;
- (d) Family Medicine and General Practice ;
- (e) Medicine ;
- (f) Obstetrics and Gynaecology ;
- (g) Ophthalmology ;
- (h) Pathology ;
- (i) Paediatrics ;
- (j) Psychiatry ;
- (k) Radiology ; and
- (l) Surgery.

14. (1) Where a Board of Study has been established in respect of a speciality for which one or more than one University or University College in Sri Lanka has established a Department of Study, such Board of Study shall consist of the following persons :—

- (a) the Director ;
- (b) five members elected by the appropriate professional body from among the members of such professional body who are being, or had been, employed in any of the Universities or University Colleges in Sri Lanka or the Ministry of Health or any Department thereof ;
- (c) the Head of the appropriate Department of Study of each University or University College in Sri Lanka ;
- (d) one member elected by the Faculty of Medicine of the University of Colombo, Sri Lanka, from among the Professors, Associate Professors and Senior Lecturers of that Faculty ; and

(e) one member elected by the Faculty of Medicine of the University of Peradeniya, Sri Lanka, from among the Professors, Associate Professors and Senior Lecturers of that Faculty.

(2) Where a Board of Study has been established in respect of a speciality for which no University or University College in Sri Lanka has established a Department of Study, such Board of Study shall consist of the following persons :—

- (a) the Director ;
- (b) five members elected by the appropriate professional body from among the members of such professional body ;
- (c) one member elected by the Faculty of Medicine of the University of Colombo, Sri Lanka, from among the Professors, Associate Professors and Senior Lecturers of that Faculty ; and
- (d) one member elected by the Faculty of Medicine of the University of Peradeniya, Sri Lanka, from among the Professors, Associate Professors and Senior Lecturers of that Faculty.

(3) (a) Where due to there being no appropriate professional body, any Board of Study constituted under subparagraph (1) consists of less than twelve members, the Board of management shall appoint from among the members of the medical profession to such Board of the Study, such number of persons as would make its total membership twelve in number :

(b) Where due to there being no appropriate Department of Study, any Board of Study constituted under subparagraph (1) consists of less than twelve members, the Board of Management shall appoint from among the members of the medical profession to such Board of Study, such number of persons as would make its total membership twelve in number. ;

(c) The provisions of clauses (a) and (b) shall apply to and in relation to each Board of Study constituted under subparagraph (2) subject to the substitution of the expression "eight members" for the expression "twelve members" whenever the latter expression occurs in those clauses.

(4) Any Board of Study may, with the concurrence of the Board of Management, 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 Board of Study.

(5) The provisions of paragraphs (3), (4) and (6) of paragraph 11 shall, *mutatis mutandis*, apply to and in relation to each elected member of any Board of Study.

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

(7) Each Board of Study shall have a Secretary who shall not be a member of that Board of Study and who shall be appointed by the Board of Management.

(8) (a) The quorum for a meeting of any Board of Study constituted under subparagraph (1) shall be four members, excluding the co-opted members, if any.

(b) The quorum for a meeting of any Board of Study constituted under subparagraph (2) shall be three members, excluding the co-opted members, if any.

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

15. (1) Subject to the provisions of the Act and of any appropriate Instrument, each Board of Study shall have control and general direction of instruction, education, research and examinations in respect of the speciality in medicine concerned.

(2) Without prejudice to the generality of the powers conferred upon it by subparagraph (1), each Board of Study shall exercise, perform and discharge the following powers, duties and functions in respect of the speciality in medicine concerned:—

- (a) to consider and report on any matter referred to it by the Board of Management;
- (b) to present recommendations and reports to the Board of Management on all matters connected with the courses of study, teaching programme or programmes, and examinations in that speciality in medicine;
- (c) to appoint committees, which may include persons other than members of the Board of Study, for the purpose of considering and reporting on any special subject or subjects;
- (d) to recommend to the Board of Management the 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 speciality in medicine and to submit such drafts to the Board of Management;
- (f) to recommend to the Board of Management, such persons as are suitable for recognition as teachers and examiners;
- (g) to recommend to the Board of Management, persons who, having passed the prescribed examinations in the speciality in medicine concerned and having satisfied other prescribed conditions, are eligible for the award of postgraduate degrees, diplomas, certificates and other academic distinctions in that speciality;
- (h) to recommend to the Board of Management the mode and conditions of competition for fellowships, scholarships, exhibitions, bursaries, medals and other prizes;
- (i) to recommend to the Board of Management, the names of persons suitable for the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes;
- (j) to recommend to the Board of Management—
 - (i) schemes for the reorganization of existing Boards of Study, and the organization of new Boards of Study; and
 - (ii) the assignment of specialities in medicine to the respective Boards of Study.

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

17. (1) The Institute shall have a fund to be called the Postgraduate Institute of 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; and
- (d) all other moneys belonging to the Institute from whatever source derived.

(2) A summary of all sums of money paid to 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.

18. 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 of Management 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.

19. (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 in the office of the Institute.

20. 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.

21. (1) The staff of the Institute shall consist of such officers 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 among its own staff or be appointed by the Commission or the University, as the case may be. The provisions of the Part X of the Act shall, *mutatis mutandis*, apply to and in relation to appointments to the staff of the Institute.

(3) Where the services of an officer or other employee of the University have been provided 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 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.

22. 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.

23. 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 of vacancies among its members or any defect or defects in the appointment of such member.

24. Upon the coming into operation of this Ordinance, the power to grant and to confer postgraduate degrees, diplomas, certificates and other academic distinctions in the several specialities in medicine shall be vested solely in the University of Colombo, Sri Lanka:

Provided, however—

- (1) that the University of Colombo, Sri Lanka, shall grant and confer such degrees, diplomas, certificates and other academic distinctions only upon the recommendation of the Institute;
- (2) that any University deemed to be established under the Act may grant and confer such degrees, diplomas, certificates and other academic distinctions on persons who had been registered as postgraduate medical students of such University prior to the date of coming into operation of this Ordinance and who satisfy the conditions for the grant and the award of such degrees, diplomas, certificates and other academic distinctions; and
- (3) that academic distinctions in the specialities in medicine may be granted by professional bodies by arrangement with the Institute and the University of Colombo, Sri Lanka, and the concurrence of the Commission.

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 Act;
- “Commission” means the University Grants Commission established under the Act;
- “professional body” means an association, college or other body of persons in any speciality in medicine either incorporated by an Act of Parliament or recognized as such by the Board of Management of the Institute; and
- “speciality in medicine” means Anaesthesiology, Community Medicine, Family Medicine and General Practice, Medicine, Obstetrics and Gynaecology, Ophthalmology, Pathology, Paediatrics, Psychiatry, Radiology, Surgery or any other speciality approved by the Commission upon the recommendation of the Institute and the University.

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