



**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA**

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**DEFENCE SERVICES COMMAND AND  
STAFF COLLEGE ACT, No. 5 OF 2008**

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**[Certified on 19th February, 2008]**

*Printed on the Order of Government*

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*Defence Services Command and Staff College  
Act, No. 5 of 2008*

[Certified on 19th February 2008]

L.D.—O. 28/2005.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A DEFENCE SERVICES COMMAND AND STAFF COLLEGE; TO IDENTIFY THE OBJECTIVES AND FUNCTIONS OF, AND TO PROVIDE FOR THE MANAGEMENT AND ADMINISTRATION OF, THE DEFENCE SERVICES COMMAND AND STAFF COLLEGE; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Defence Services Command and Staff College Act, No. 5 of 2008 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*. (hereinafter referred to as “the appointed date”).

Short Title.

PART I

ESTABLISHMENT OF THE DEFENCE SERVICES COMMAND AND STAFF  
COLLEGE

2. (1) There shall be established a college, which shall be called the “Defence Services Command and Staff College” (hereinafter referred to as “the Staff College”).

Establishment of  
the Defence  
Services  
Command and  
Staff College.

(2) The Staff College shall, by the name assigned to it by subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

3. The Secretary to the Ministry of the Minister in charge of the subject of Defence shall be charged with the responsibility of ensuring the efficient management and administration of the Staff College in order to achieve the objectives for which the Staff College is established.

Staff College to  
be the responsi-  
bility of the  
Secretary,  
Ministry of  
Defence.

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**Objectives of the  
Staff College.**

**4. The objectives of the Staff College shall be ---**

- (a)** to develop the professional knowledge and understanding of officers of the armed forces selected for training at the Staff College in order to prepare and equip them for appointment to appropriate appointments and promotions in the respective service to which they belong;
- (b)** to prepare and equip officers of the armed forces selected for training at the Staff College to function effectively, both in command and on the staff functions in single service and joint services environment, both in peace and war. A general education in relation to their functions shall also be given in order to enable them to perform effectively in command and staff appointments.

**Functions of the  
Staff College.**

**5. For the purpose of carrying out its objectives, the Staff College shall be vested with all or any of the following functions:—**

- (a)** to admit student officers from the Armed Forces of Sri Lanka to follow the courses of study at the Staff College;
- (b)** to admit student officers from the Department of Police and military establishments outside Sri Lanka, to follow the courses of study at the Staff College;
- (c)** to admit public officers to follow courses of study as determined by the Board of Studies relating to defence and military management at the Staff College and where necessary to levy such fees as are prescribed;
- (d)** to conduct examinations for the purpose of ascertaining the student officers admitted under paragraphs (a), (b) and (c) who have acquired proficiency in the selected courses of study;

- (e) to issue Certificates and grant and confer the designation "psc" (passed staff college) on student officers and public officers on the successful completion of the courses of study;
- (f) to erect, equip and maintain for the purposes of the Staff College, libraries, laboratories and other buildings;
- (g) to create Professorships, Lectureships and other posts as may be required for the efficient functioning of the Staff College;
- (h) to appoint such employees and agents as are necessary for the administration of the affairs of the Staff College;
- (i) to receive grants, gifts or donations, whether from local or foreign sources;
- (j) to borrow or raise money for the purpose of the Staff College in such manner and upon such security as the Board of Management may think fit;
- (k) to take or hold any movable or immovable property which may become vested in it by this Act or by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and to sell, mortgage, lease, grant, convey, devise, assign, exchange or otherwise dispose of any such movable or immovable property;
- (l) to enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Staff College, all such contracts or agreements as may be necessary for the attainment of the objectives of the Staff College;
- (m) to invest its funds in such a manner as the Board of Management may think fit; and
- (n) to do all such acts as are necessary for, conducive or incidental to the attainment of its objectives.

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Seal of the Staff  
College.

6. (1) The seal of the Staff College shall be in the custody of such person as Board of Management may decide from time to time.

(2) The seal of the Staff College may be altered in such manner as may be determined by the Board of Management.

(3) The seal of the Staff College shall not be affixed to any instrument or document except in the presence of the Chairman and one other member of the Board of Management, both of whom shall sign the instrument or document in token of their presence:

Provided that where the Chairman is unable to be present at the time when the seal of the Staff College is affixed to any instrument or document, any other member of the Board of Management authorized in writing by the Chairman in that behalf, shall be competent to sign such instrument or document in accordance with the preceding provisions of this subsection.

(4) The Staff College shall maintain a register of all instruments or documents to which the seal of the Staff College is affixed.

## PART II

### BOARD OF MANAGEMENT OF THE STAFF COLLEGE, THE COMMANDANT AND THE BOARD OF STUDIES AND THE BOARD OF DISCIPLINE

Constitution of  
the Board of  
Management of  
the Staff  
College.

7. (1) The management and the administration of the affairs of the Staff College shall be vested in a Board of Management (hereinafter referred to as the "Board") which shall consist of the following members appointed by the Minister in charge of the subject of Defence:—

(a) the Secretary to the Ministry of the Minister in charge of the subject of Defence, who shall be the Chairman;

- (b) the Additional Secretary to the Ministry of Minister in charge of the subject of Defence, who shall preside at any meeting of the Board in the absence of the Chairman;
- (c) the Chief of Defence Staff;
- (d) the Commander of the Army, the Commander of the Navy and the Commander of the Air Force;
- (e) the Secretary to the Treasury or his nominee;
- (f) the Vice-Chancellor of the University of Kelaniya;
- (g) the person holding office for the time being as the Commandant of the Staff College ; and
- (h) the person holding office for the time being as the “Brigadier Co-ordinating” at the Staff College, who shall be the Secretary of the Board.

(2) The Additional Secretary appointed under paragraph (b) of subsection (1) shall be a person to whom the subject of Staff College is assigned to, by the Ministry.

8. (1) The Staff College shall consist of such Wings as are from time to time deemed necessary, by the Board.

Wings of the Staff College.

(2) The Board shall on the recommendation of the Commanders of the respective Armed Forces of Sri Lanka, appoint the officers of the teaching staff and the permanent staff of the Staff College. who shall unless they vacate office earlier, hold office for a period not exceeding three years.

(3) The Board shall on the recommendation of the Commanders of the respective Armed Forces of Sri Lanka, appoint the other rank staff to the Staff College, who shall unless they vacate offices earlier, hold office for a period not exceeding three years.

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Meetings and  
quorum at  
meetings of the  
Board.

9. (1) Subject to the other provisions of this Act, the Board may regulate its procedure in regard to the meetings of the Board and the transaction of business at such meetings.

(2) Five members shall form a quorum at any meeting of the Board:

Provided that, of the five members at least two members shall be Commanders of any one of the Armed Forces of Sri Lanka.

Meetings of the  
Board.

10. Subject to the other provisions of this Act, the Board may regulate its procedure in regard to the meetings of the Board and the transaction of business at such meetings.

Vacancy among  
members not to  
invalidate  
proceedings of  
the Board.

11. No act, decision or proceeding of the Board shall be invalidated by reason only of the existence of a vacancy among its members or any defect in the appointment of its members.

Annual  
estimates.

12. The Board shall as soon as may be practicable, submit through the Secretary to the Ministry of the Minister in charge of the subject of Defence, the annual estimates or supplementary estimates, as the case may be, to the Treasury for the purpose of securing the necessary budgetary allocation for the Staff College.

The  
Commandant.

13. (1) The Minister of Defence shall appoint as the Commandant of the Staff College (hereinafter referred to as "the Commandant") a qualified senior officer holding either the rank of Major General in the Army or Rear Admiral in the Navy or Air Vice Marshal in the Air Force, respectively, who shall be the Chief Executive Officer of the Staff College. The Commandant shall hold office for a period not exceeding three years, unless he vacates his office earlier by retirement, death, resignation or removal.

(2) The Commandant may resign his office as Commandant by written communication in that behalf

addressed to the Minister, forwarded through the Secretary to the Ministry of the Minister in charge of the subject of Defence.

(3) The Minister may, if he thinks it expedient to do so, by Order published in the *Gazette*, remove the Commandant from office for reasons assigned.

(4) A Commandant in respect of whom an Order under subsection (3) is made, shall vacate his office on the date of publication of such Order in the *Gazette*, or on such other date as may be specified in such Order.

(5) In the event of the person appointed as Commandant —

- (a) vacating his office or ceasing to be a member of the respective Armed Forces of Sri Lanka of which he was a member prior to the expiry of his term of office as Commandant, the Minister shall having regard to the provisions of subsection (1), appoint a qualified officer as Commandant and he shall, unless he earlier vacates office, hold office for a period not exceeding three years; or
- (b) being temporarily unable to discharge the function of his office by reason of ill health, absence from Sri Lanka or any other case, Minister shall having regard to the provisions of subsection (1), appoint the most senior person holding the rank of Chief Instructor in either the Army, Navy or Air Force wing, as the case may be, to act in his place as Commandant, during such period.

14. (1) The Commandant shall, subject to the general direction and control of the Board, be charged with the direction of the affairs of the Staff College and the discharge of the functions of the Staff College. He shall also be charged with the overall administrative and disciplinary control of the employees and student officers of the Staff College.

**Duties of the  
Commandant.**



(2) The Commandant may in writing, with the approval of the Board, delegate to any employee of the Staff College such of his duties as he may from time to time consider necessary. Any employee to whom such functions are so delegated shall exercise them subject to the general or special directions of the Commandant. Notwithstanding such delegation it shall be competent for the Commandant where necessary to continue to discharge such functions.

(3) The Commandant may in consultation with the Board decide on the medical, welfare and recreational facilities to be provided for student officers by the Staff College.

(4) The Commandant may take necessary measures for the security and the protection of the Staff College.

The Board of  
Studies of the  
Staff College.

**15.** (1) The affairs of the Staff College relating to academic and defence studies shall be vested in the Board of Studies. The Board of Studies shall consist of—

- (a) the Commandant appointed under section 13;
- (b) a representative nominated by the Vice-Chancellor of the University of Kelaniya;
- (c) Chief Instructors of the Army, Navy and Air Force Wings.

(2) The Board of Studies shall discharge the functions assigned to, or conferred on, it, subject to the general direction and control of the Board and any rules which may be made in that behalf by the Board.

(3) The Board of Studies shall have control and general direction over the instruction, training, research and examinations of the Staff College.

(4) The Board of Studies shall be charged with the exercise, performance and discharge of the following powers, duties and functions:—

- (i) to identify and recommend to the Board the courses of study and the curricula of such courses which are to be offered by the Staff College;
- (ii) to decide on the degrees, diplomas, certificates and other academic distinctions which shall be awarded for the courses of study offered at the Staff College;
- (iii) to identify the 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;
- (iv) to consider and report on any matter referred to it by the Board;
- (v) to present recommendations and reports to the Board on matters connected with the courses of study, teaching programmes, research programmes or examinations being conducted by the Staff College;
- (vi) to appoint committees, which may include persons not being members of the Board of Studies for the purpose of considering and reporting on any special subject or subjects;
- (vii) to recommend to the Board—
  - (a) the requirements for the admission of students to courses of study and examination;

- (b) the persons who are suitable for recognition as teachers or examiners;
- (c) the persons who, having passed the prescribed examinations and having satisfied other prescribed conditions, are eligible for the award of degrees, diplomas, certificates and other academic distinctions;
- (viii) to identify the mode and conditions of competition for fellowships, scholarships, exhibitions, bursaries, medals and other prizes; and
- (ix) to name the persons suitable for the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes.

Board of  
Discipline.

**16.** The Board shall in consultation with the Commandant appoint a Board of Discipline consisting of the following:—

- (a) the Chief Instructors of the respective Wing; and
- (b) any other officer who in the opinion of the Commandant is required for the effective settlement of the particular misconduct.

Code of  
Discipline and  
exercise of  
disciplinary  
control.

**17.** (1) Every student officer shall be subject to the Code of Discipline of the Staff College. The Code of Discipline shall be as prescribed by regulations.

(2) Any student officer found to be in breach of such Code or who is found guilty of any breach by the Board of Discipline, may on recommendation being made by the Board of Discipline to the effect that the conduct of the student officer is not conducive to the best interest of the Staff College, be liable to be withdrawn from the course of study, by the Commandant.

(3) The disciplinary control of the permanent staff shall be exercised by the Commandant or any other officer of the Staff College authorized in that behalf by the Commandant.

(4) The maintenance of disciplinary control of the civilian staff of the Staff College shall be in the accordance with the procedure to be as specified by rules made by the Board.

(5) Every act of misconduct of student officers shall be reported to the respective Service Commander of such officer by the Commandant in order that disciplinary action as is deemed necessary in terms of the respective laws and regulations applicable to such service, be initiated.

(6) Any student officer who is found to be responsible for causing damage to government property, willfully or negligently shall be liable to indemnify the Staff College for such damage.

### PART III

#### FINANCE

18. (1) There shall be established a Fund called "the Defence Service Command and Staff College Fund" (hereinafter referred to as "the Fund").

Fund of the Staff  
College.

(2) The Board shall be vested with the power to manage, control and operate the Fund.

19. There shall be paid into the Fund—

Payment into the  
Fund.

- (a) all such sums of money as may be voted from time to time by Parliament for the management and administration of the Staff College;
- (b) all such sums of money as may be received by the Staff College by way of donations, gifts or grants from any source whatsoever, whether within or outside Sri Lanka;

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- (c) all moneys received by way of fees in respect of the courses of study being provided by the Staff College; and
- (d) all such sums of money as may be received by the Staff College in the exercise, performance and discharge of its powers, duties and functions.

Payment out of  
the Fund.

20. There shall be paid out of the Fund—

- (a) expenses necessary for the establishment, working and maintenance of the Staff College;
- (b) the payment of fees to the visiting lecturers; and
- (c) all such other payments as are approved by the Board as being necessary for the purpose of carrying out the objectives of the Staff College.

Audit of  
Accounts.

21. (1) The Board shall direct the Accountant appointed in terms of section 22, to keep proper books of accounts and accounts of all income and expenditure, assets and liabilities and all other financial transactions of the Staff College.

(2) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporation shall apply to the audit of accounts of the Staff College.

(3) The financial year of the Staff College shall be the calendar year.

(4) The annual accounts of the Staff College shall be prepared by the Accountant who shall cause the same to be forwarded to the Board through the Commandant.

Appointment of  
an Accountant.

22. (1) There shall be an Accountant for the Staff College, who shall be appointed by the Board.

(2) The Accountant shall be responsible to the Commandant of the Staff College for the administration and control of the Fund of the Staff College established under section 18 of this Act.

23. (1) All service personnel posted and attached to Staff College as student officers shall be entitled to such emoluments and allowances as may be stipulated in the respective services pay regulations applicable to them.

Payment of  
emoluments.

(2) All service personnel in the Staff College referred to above shall be entitled to any additional allowances as may be paid to those appointed to training establishments presently under the Sri Lanka Armed Forces.

(3) All service personnel of the Staff College referred to above may in addition be entitled to such other additional allowances as may be determined by the Board from time to time with the concurrence of the Minister of Finance.

(4) The period of training of a student officer in the Staff College shall be deemed to be reckonable service for the purpose of pension, gratuity and allowances.

24. The Board may, with the concurrence of the Minister and the Minister in charge of the subject of Finance, borrow by way of overdraft or otherwise such sums of money as may be necessary to effectively discharge the functions assigned to it.

Borrowing  
powers of the  
Board.

## PART IV

### GENERAL

25. (1) The Board may make rules in respect of the courses of study to be provided for student officers by the Staff College on the recommendation of the Commandant.

Board to make  
rules.

(2) Every rule made under subsection (1) shall be approved by the Minister upon the making thereof, and shall be published in the *Gazette*.

**Regulations.**

**26.** (1) The Minister may make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters:—

- (a) to the management and administration of the affairs of the Staff College;
- (b) setting out the Code of Discipline as required by section 17.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified therein.

(4) Every regulation shall, as soon as convenient after publication in the *Gazette*, be brought before Parliament for approval. Any regulation that is not so approved shall be deemed to be rescinded from the date of its disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the *Gazette*.

**Protection for  
action taken  
under this Act or  
on the direction  
of the Staff  
College.**

**27.** (1) No suit or prosecution shall lie—

- (a) against the Staff College for any act which in good faith is done or purported to be done by the Staff College under this Act; or
- (b) against any member, officer, servant or agent of the Staff College for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Staff College.

(2) Any expenses incurred by the Staff College in any suit or prosecution brought by or against the Staff College and any costs paid to, or recovered by the Staff College in any such suit or prosecution shall be credited to the Fund.

(3) Any expenses incurred by any such person as is referred to in subsection (1) of this section in any suit or prosecution brought against him before any court in respect of any act which is done or purported to be done by him under this Act or on the direction of the Staff College shall, if the court holds that such act was done in good faith, be paid out of the Fund, unless such expense is recovered by him in such suit or prosecution.

28. The members of the Board and all officers and servants of the Staff College shall be deemed to be public officers within the meaning and for the purpose of the Penal Code (Chapter 19).

Members of the Board and officers and servants of the Staff College deemed to be public officers.

29. The Staff College shall be deemed to be a Scheduled Institution within the meaning and for the purpose of the, Bribery Act (Chapter 26) and the provisions of such Act shall be construed accordingly.

Staff College deemed to be a Scheduled Institution within the meaning of the Bribery Act.

30. The provisions of the Universities Act, No.16 of 1978, shall not apply to, or in relation to, the Staff College established by this Act.

Provisions of Act, No. 16 of 1978, not to apply.

31. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.



Interpretation.

32. In this Act unless the context otherwise requires—

“Armed Forces of Sri Lanka” means the Sri Lanka Army; the Sri Lanka Navy; and the Sri Lanka Air Force established respectively by the Army Act (Chapter 357), the Navy Act (Chapter 358) and the Air Force Act (Chapter 359);

“Wing” means a branch of the Staff College that conducts specialized training pertaining to a particular service or academic field. Generally, there will be three such Wings namely the Army Wing, the Navy Wing and the Air Force Wing.

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