



PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

NATIONAL AUTHORITY ON TEACHER EDUCATION ACT, No. 32 OF 1997

[Certified on 3rd December, 1997]

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L.D.—O. 68/96.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL AUTHORITY ON TEACHER EDUCATION ; AND 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 National Authority on Teacher Education Act, No. 32 of 1997, 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 and date of operation.

PART I

ESTABLISHMENT OF THE NATIONAL AUTHORITY ON TEACHER EDUCATION

2. (1) There shall be established an Authority which shall be called the National Authority on Teacher Education (hereinafter referred to as the "Authority").

Establishment of the National Authority on Teacher Education.

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

3. The functions of the Authority shall be to promote the development of teacher education and in particular to—

Functions of the Authority.

(a) advise the Minister regarding overall policy development for establishing and maintaining an integrated national system of teacher education including initial teacher education, continuing teacher education, and teacher deployment ;

(b) plan and co-ordinate the activities of the national system of teacher education with a view to rationalizing the existing teacher education system to meet the assessed needs for trained teachers ;

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- (c) promote and co-ordinate studies and research on teacher education, disseminate the findings of such studies and research and initiate follow-up activities ;
- (d) monitor the progress and performance of the teacher education programmes and courses of study, and the need for the revision of the content of such programmes and courses of study ;
- (e) initiate and promote the use of innovative practices, techniques and methods in the teacher education system of Sri Lanka, with appropriate modifications, to suit the local conditions ;
- (f) formulate in consultation with the Colleges of Education Board, guidelines for, schemes of recruitment and procedures for appointment of, the staff and the heads of teacher education institutions ;
- (g) provide for the development of managerial and professional competence of instructors at teacher education institutions and others engaged in managerial positions in teacher education institutions;
- (h) lay down—
 - (i) in consultation with the Colleges of Education Board, guidelines for, the selection and registration of student teacher trainees for different courses of study and programmes at teacher training institutions, including the guidelines relating to the minimum qualifications for admission to teacher education institutions ;
 - (ii) in consultation with the National Institute of Education, guidelines for the commencement of new courses of study and programmes or the termination of existing courses of study and programmes in teacher education institutions, having regard to the need to meet the demand for trained teachers in the field of education ;

- (iii) in consultation with the National Institute of Education, guidelines for the content of examinations conducted by teacher training institutions for the purpose of ascertaining the student teacher trainees who have acquired proficiency in the different courses of study or programmes followed by them ;
- (iv) guidelines for the levying of fees and other charges by teacher training institutions ;
- (i) allocate student teacher trainees to teacher education institutions on the basis of courses of study or programmes followed by such student trainee teachers ;
- (j) examine and review periodically, the implementation of the guidelines laid down by the Authority and initiate appropriate follow up activities ;
- (k) develop appropriate performance appraisal systems and mechanisms for the purpose of enforcing accountability on teacher education institutions ;
- (l) co-ordinate and collaborate with other institutions and organisations in Sri Lanka and abroad engaged in teacher education ;
- (m) establish and maintain, in consultation with the National Institute of Education or the University Grants Commission, as the case may be, appropriate mechanisms for accreditation of teacher training programmes.

4. The Authority shall, subject to the provisions of this Act, have the following powers :—

Powers of the Authority.

- (a) to appoint professional and support staff on such schemes of recruitment as may be decided by the Council established under section 7 ;

(b) to acquire, hold, take or give on lease, mortgage or
hire, pledge or sell or otherwise dispose of, any
movable or immovable property for the purpose of
discharging the functions of the Authority :

Provided however that no immovable property of
the Authority shall be sold without the prior approval
in writing of the Minister ;

(c) to open and maintain current, savings and deposit
accounts, in any bank or banks ;

(d) to accept grants or donations from persons or
organisations, for the development of teacher
education ;

(e) to enter into and perform, all such contracts as may
be necessary for the discharge of the functions of the
Authority ;

(f) to enter into agreements for co-operation with
institutions in or outside Sri Lanka engaged in the
development of teacher education, for exchange of
personnel and material ;

(g) to levy and charge fees or other charges for any
services rendered or facilities provided, by the
Authority for teacher education ;

(h) to make rules in respect of the administration of the
affairs of the Authority and in relation to its officers
and servants, including their appointment, promotions,
remuneration, disciplinary control and the grant of
leave to them ; and

(i) generally, to do all such other things as are necessary
to facilitate the proper discharge of the functions of
the Authority.

5. (1) Without prejudice to the generality of the powers conferred upon it by section 4, the Authority shall exercise, the following academic powers :—

Academic powers of the Authority.

(a) to provide for professional development and research in teacher education ;

(b) to recognise the examinations passed and the courses of studies pursued by, persons seeking admission to the teaching profession, having regard to the standard of such examinations and the content and duration of such courses of study ;

Provided however that the Minister may withdraw such recognition whenever he thinks it appropriate ;

(c) to initiate, promote, conduct and co-ordinate research, surveys and investigations relating to the development of teacher education ; and

(d) to make grants to any person, or a team of persons, or to any recognised institution or institutions, for a specific research project, study or survey, in the field of teacher education.

6. (1) The administration, management and control of the affairs of the Authority shall be vested in the Council of the Authority (hereinafter referred to as the "Council").

Administration of the Authority.

(2) The Council shall for the purpose of administering the affairs of the Authority exercise, discharge and perform the powers, functions and duties conferred, or imposed on or assigned to the Authority by this Act.

(3) It shall be the duty of the Council to prepare in accordance with regulations made in that behalf, the annual programme and plan of work and the annual budget and submits such plan, programme, and the annual budget for approval by the Minister.

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Constitution of the
Council.

7. (1) The Council shall consist of the following :—

(a) *ex-officio* members, namely—

(i) the Secretary to the Ministry of the Minister in charge of the subject of Education who shall be the Chairman ;

(ii) the Director-General of the National Institute of Education established by the National Institute of Education Act, No. 28 of 1985, who shall be a Vice Chairman ;

(iii) the Chairman of the National Education Commission established by the National Education Commission Act, No. 19 of 1991 who shall be a Vice Chairman ;

(iv) the Chairman of the University Grants Commission established by the Universities Act, No. 16 of 1978 ;

(v) the Deans of the Faculties of Education in all Universities of Sri Lanka established or deemed to be established under the Universities Act, No. 16 of 1978 ;

(vi) The Chief Commissioner of Teacher Education ;

(vii) the Director-General of the Authority appointed under section 10 ;

(b) other members, namely—

(i) a representative of the Secretary to the Ministry of the Minister in charge of the subject of Finance, appointed by the Minister ;

(ii) a representative of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, appointed by the Minister ; and

(iii) eight other persons appointed by the Minister from among persons who have distinguished themselves in the field of education.

(2) A person shall be disqualified from being appointed or from continuing as a member of the Council, if he is or becomes, a member of Parliament, a member of a Provincial Council or member of a local authority.

(3) Every member of the Council appointed under paragraph (b) of subsection (1) shall vacate office as such member if he—

(a) is removed from office by the Minister; or

(b) resigns his office by letter addressed to the Minister and the resignation is accepted in writing by the Minister.

(c) retires from office under subsection (8).

(4) (a) Where a member of the Council appointed under paragraph (b) of subsection (1) dies or resigns or is removed or retires from office, the Minister may, having regard to the provisions of that paragraph, appoint another person to be a member in place of the member who dies, resigns or is removed or retires from office.

(b) Any member of the Council appointed under paragraph (a) of this subsection, shall, unless he earlier resigns or vacates his office by death, removal or retirement, hold office for the unexpired part of the term of office of the member whom he succeeds.

(5) Where a member of the Council appointed under paragraph (b) of subsection (1) is by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another person to act in his place.

(6) Subject to the provisions of subsection (9), every member appointed under paragraph (b) of subsection (1) shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of four years from the date of his appointment to such office.

(7) Every ex-officio member of the Council shall hold office as long as he holds the post by virtue of which he is a member of the Council.

(8) One-half of the members of the Council appointed under sub-paragraph (iii) of paragraph (b) of subsection (1) shall retire at the end of every second year, calculated from the appointed date.

(9) The members of the Council who shall retire under subsection (8) shall, subject to the provisions of subsection (10), be the members who have served the longest in office as at the end of every second year, but as between members who have served for periods of equal length, the member who shall retire shall be determined by lot drawn by the Chairman of the Council.

(10) For the purpose of securing that one half of the members of the Council appointed under sub-paragraph (iii) of paragraph (b) of subsection (1) shall retire every second year, the term of office of four of the members first appointed to the Council shall terminate at the expiry of a period of two years from the dates of their appointment, as specified in their letters of appointment.

(11) Any member who vacates his office otherwise than by removal from office under paragraph (a) of subsection (3), shall be eligible for reappointment.

(12) The members of the Council may be paid such remuneration out of the Fund of the Authority as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

8. The seal of the Authority—

- (a) shall be in the custody of such persons as the Council may determine from time to time ;
- (b) may be altered in such manner as may be determined by the Council ; and
- (c) shall not be affixed to any document without the sanction of the Council and in presence of the Secretary and a member of the Council who shall sign the document in token of their presence.

Seal of the Authority.

9. (1) The Chairman or in his absence one of the Vice-Chairmen shall preside at meetings of the Council. In the absence of the Chairman and both the Vice-Chairmen, a member elected by the members present shall preside at such meeting.

Meetings of
the Council.

(2) The quorum for any meeting of the Council shall not be less than eight members of the Council.

(3) All questions for decision at any meeting of the Council shall be decided by the vote of a majority of the members present. In the case of an equality of votes, the Chairman or any other member presiding at any meeting of the Council shall in addition to his own vote, have a casting vote.

(4) Subject to the provisions of subsection (2), the Council may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

(5) No act or decision or proceeding of the Council shall be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member thereof.

PART II

APPOINTMENT OF THE DIRECTOR-GENERAL AND STAFF OF THE AUTHORITY

10. (1) The Minister may appoint to the staff of the Authority a Director-General (hereinafter referred to as "the Director-General") who shall be the principal executive officer as well as the principal academic officer of the Authority.

Appointment of
the Director-
General of the
Authority.

(2) The Director-General appointed under subsection (1) shall unless he vacates office earlier by death, resignation or removal hold office for a period of four years from the date of his appointment.

(3) The Director-General shall, subject to the direction of the Council, be charged with the administration of the affairs, and the control of the staff, of the Authority. He shall also be responsible for the execution of all decisions of the Council.

(4) The Director-General shall submit for the consideration of the Council, policies and measures considered by him to be necessary for the purpose of discharging the functions of the Authority.

(5) The Director-General shall be entitled to be present, speak and vote, at any meeting of the Council or any committee established by or under this Act.

(6) The Minister may remove the Director-General from office —

(a) if he becomes permanently incapable of performing his duties; or

(b) if he has done any act or thing which, in the opinion of the Minister, is of a fraudulent or illegal character or is prejudicial to the interests of the Authority; or

(c) if he acts contrary to national policy.

(7) The office of the Director-General shall become vacant upon the death, removal from office under subsection (6) or resignation by letter in that behalf addressed to the Minister, by the holder of that office.

(8) Unless removed from office under subsection (6), any person who has been appointed as Director-General shall be eligible for reappointment as Director-General.

(9) If any vacancy occurs in the office of the Director-General, the Minister may appoint a member of the Council to perform the duties of the Director-General until an appointment is made under subsection (1).

(10) The Director-General shall be the accounting officer of the Authority.

11. (1) The Director-General shall exercise and discharge such powers or functions as may be delegated to him by the Council.

Delegation of powers of the Council.

(2) The Director-General to whom any of the powers or functions of the Council has been delegated under subsection (1), shall exercise and discharge the powers and functions so delegated, subject to the special or general directions of the Council.

(3) The Director-General may, with the written approval of the Council, whenever he considers it necessary to do so, delegate in writing to any officer or servant, or to any Committee of the Authority, any power or function delegated to him under subsection (1).

12. The Council may, with the approval of the Minister, appoint such committees as may be necessary for the proper discharge of the functions of the Authority and consisting of members with the prescribed qualifications, and may delegate to such Committees, any functions assigned to it by this Act.

Committees.

13. (1) Subject to the provisions of this Act and any regulations made by the Minister, the Council shall have the power to appoint the officers and servants of the Authority.

Officers and servants of the Authority.

(2) Every appointment of the officers and servants of the Authority shall be made by the Council in accordance with the scheme of recruitment and procedures for appointment prescribed by regulations.

(3) Subject to the provisions of this Act and any regulations made by the Minister, the Council shall determine the terms and conditions of service of the officers and servants of the Authority including their wages, salaries and other remuneration.

(4) The officers and servants of the Authority shall be subject to the disciplinary control, including power of dismissal, of the Council. The Council may make rules in regard to matters of discipline.

(5) The Council may establish and regulate provident funds and schemes for the benefit of the officers and servants of the Authority and may make contributions to any such fund or scheme.

Service to the Authority deemed to be service to the Government for the propose of certain contracts.

Appointment of public officers to the staff of the Authority.

14. Where the Authority employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

15. (1) At the request of the Council, any officer in the public service serving in any institution or Department coming under the Ministry of the Minister may, with the consent of the Secretary to the Ministry of the Minister given with the concurrence of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, and of the officer, be temporarily appointed to the staff of the Authority for such period as may be determined by the Council with like consent or with like consent be permanently appointed to the staff of the Authority.

(2) At the request of the Council, any officer in the public service other than an officer referred to in subsection (1) may, with the consent of that officer and of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Authority for such period as may be determined by the Council with like consent or with like consent be permanently appointed to the staff of the Authority.

(3) Where any officer in the public service is temporarily appointed to the staff of the Authority, the provisions of section 14(2) of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to, and in relation to him.

(4) Where any officer in the public service is permanently appointed to the staff of the Authority, the provisions of section 14(3) of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to, and in relation to him.

(5) At the request of the Council, any officer or servant of any Higher Educational Institution established under the Universities Act, No. 16 of 1978, may, with the consent of that officer or servant, the University Grants Commission and the principle executive officer of that Higher Educational Institution, be temporarily appointed to the staff of the Authority for such period as may be determined by the Council with like consent, or with like consent be permanently appointed to the staff of the Authority.

(6) Where any officer or servant of any Higher Educational Institution is temporarily appointed to the staff of the Authority, he shall be subject to the same disciplinary control as any other member of such staff.

PART III

FINANCE

16. (1) The initial capital of the Authority shall be such sum as may be determined by Parliament by resolution.

Initial capital of the Authority.

(2) The capital of the Authority may be increased by such amounts as may be authorised by an Appropriation Act or by any resolution of Parliament.

17. (1) The Authority shall have its own fund.

Fund of the Authority.

(2) There shall be credited to the fund of Authority —

(a) all such sums of money as may be voted from time to time by Parliament for the use of the Authority;

(b) all such sums of money as may be received by the Authority in the exercise and discharge of its powers, and functions; and

- (c) all such sum of money as may be received by the Authority by way of loans, interest on investments, donations, gifts or grants from any source whatsoever and fees charged for services rendered or facilities provided, by the Authority.
- (3) There shall be paid out of the fund of the Authority—
- (a) all such sums of money as are required to defray any expenditure incurred by the Authority in the exercise, and discharge of its powers and functions under this Act ; and
 - (b) all such sums of money as are required to be paid out of the fund, by or under this Act.
- (4) All monies belonging to the fund shall be deposited in such bank or banks or invested in such manner as may be decided by the Council.

Financial year of the Authority.

18. (1) The financial year of the Authority shall be the calendar year.
- (2) The Authority shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Authority.

- (3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to and in relation to the audit of the accounts of the Authority.

19. Subject to any express provision made in the preceding provisions of this Act, the provisions of part II of the Finance Act, No 38 of 1971, shall, *mutatis mutandis*, apply to and in relation to the financial control and accounts of the Authority.

Application of the provisions of the Finance Act, No. 38 of 1971.

PART IV

GENERAL

20. (1) The Minister may from time to time give such general or special directions in writing to the Council as to the exercise of the powers, and the discharge of the functions of the Council and it shall be the duty of the Council to carry out such directions.

Powers of Minister in relation to the Council.

(2) The Minister may, from time to time, order all or any of the activities of the Authority to be investigated and reported upon by such person or persons as he may specify, and upon such order being made the Council shall afford all such facilities and furnish all such information to such person or persons as may be necessary to give effect to such order.

(3) The Council shall submit to the Minister, the three year plan of work, the annual plan and programme and the annual budget, for his concurrence.

21. (1) The Minister may by Order published in the Gazette, transfer to the Authority such movable or immovable property of the Ministry of the Minister as is required by the Authority for the purposes of the Authority and any property so transferred shall, with effect from the date of the Order vest in, and become the property of, the Authority.

State property both movable and immovable to be made available to the Authority.

(2) Where any immovable property other than immovable property vested in the State is required to be acquired for any specific purpose of the Authority and the Minister by Order published in the Gazette approves of the proposed acquisition for that purpose, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and transferred to the Authority.

(3) Any sum payable, for the acquisition of any immovable property under the Land Acquisition Act for the Authority, shall be paid out of the Fund of the Authority.

(4) Where any movable property of the State is required for the purpose of the Authority, the Minister may, by Order published in the Gazette, transfer to, and vest in the Authority, the possession and use of such movable property :

Provided however that no Order affecting any movable property, of the State shall be made by the Minister under the preceding provisions of this subsection, without the concurrence of the Minister having control over such property.

Council's report to be placed before Parliament.

22. The Council shall, within a period of six months after the closure of each financial year submit a report giving a full account of the activities of the Authority during that year to the Minister who shall cause such report to be placed before Parliament, prior to the end of the year next following the year to which such report relates.

Authority deemed to be a scheduled institution within the meaning of the Bribery Act.

23. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

Members of the Council, and officers and servants of the Authority deemed to be public servants.

24. All members, of the Council and officers and servants of the Authority shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Protection of action taken under this Act.

25. (1) No suit or prosecution shall lie—
 (a) against the Authority for any act which in good faith is done or purported to be done by, the Authority under this Act;
 (b) against any member of the Council, officer or servant of the Authority 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 Council.

(2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court, shall be paid out of the fund of the Authority and any costs paid to, or recovered by the Authority in any such suit or prosecution shall be credited to the fund of the Authority.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) 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 Authority shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Authority, unless such expense is recovered by him in such suit or prosecution.

26. (1) Subject to the provisions of this Act, the Minister may, after consultation with the Council, make regulations for, and in respect of, all or any of the following matters :—

Regulations.

(a) the terms and conditions of service, including remuneration, of the staff of the Authority ;

(b) the schemes of recruitment and procedure for appointment to the staff of the Authority ;

(c) the composition and the conduct of the affairs of the Council ;

(d) the form of the three year plan of work, the annual plan and programme and the annual budget of the Authority, and the manner in which these are to be prepared ; and

(e) all matters which are required by this Act to be prescribed or in respect of which regulations are required to be made by this Act.

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

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

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

This Act to prevail over certain other laws.

Sinhala text to prevail in case of inconsistency.

Interpretation.

27. In the event of any inconsistency between the provisions of this Act and the provisions of the Colleges of Education Act, No. 30 of 1986 or the National Institute of Education Act, No. 28 of 1985, the provisions of this Act shall prevail.

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

29. In this Act, unless the context otherwise requires—

“Colleges of Education Board” means the Colleges of Education Board established by the Colleges of Education Act, No. 30 of 1986 ;

“Higher Education Institution” and “principal executive officer” shall have the respective meanings assigned to them by the Universities Act, No. 16 of 1978 ;

“local authority” means any Municipal Council, Urban Council or Pradeshiya Sabha and includes any authority created or established by or under any law to exercise, perform, or discharge, powers, duties and functions corresponding or similar to, the powers, duties and functions exercised, performed discharged by any such Council or Sabha ;

“National Institute of Education” means the National Institute of Education established under the National Institute of Education Act, No. 28 of 1985 ;

“Provincial Council” means a Provincial Council established by Chapter XVIIA of the Constitution ;

“University Grants Commission” means the University Grants Commission established by the Universities Act, No. 16 of 1978.