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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 (XVI)(A)

THE UNIVERSITIES ACT, NO. 16 OF 1978

ORDINANCE made by the University Grants Commission under Section 18 read with Section 24A of the Universities Act, No. 16 of 1978.

Secretary
University Grants Commission

18th September 2019.

ORDINANCE

1. This Ordinance may be cited as the Postgraduate Institute of Medical Sciences Ordinance, No. 03 of 2019 and shall come into operation with effect from 09.09. 2019.



2. This Ordinance shall apply to the Postgraduate Institute of Medical Sciences (hereinafter referred to as the “Institute”) established by Order made by the Minister under Section 24A (1) of the Universities Act, No. 16 of 1978 (herein after referred to as the “Act”) and published in *Gazette Extraordinary* No.2141/13 of 2019.
3. The Institute shall be affiliated to the University of Peradeniya, Sri Lanka (hereinafter referred to as the “University”).
4. Subject to the provisions of the Act, Ordinance, and of any appropriate instrument and the powers, duties and functions of the University Grants Commission (hereinafter referred to as the “Commission”) and the University, the Institute shall have the power to -
 - (a) admit students;
 - (b) provide for instruction, training and research in such specialties of Medicine as may be approved by the Commission upon the recommendation of the Institute with the concurrence of the University;
 - (c) determine with the approval of the University and with the concurrence of the Commission the postgraduate degrees, diplomas, certificates and other academic distinctions and qualifications to be awarded in the specialties of Medicine;
 - (d) conduct, with the approval of the University, examinations for the purposes of ascertaining the persons who have acquired proficiency in the specialties of Medicine and to recommend to the University of persons who having passed such examinations and 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, specialist recognition (Board Certification in the specialties) and other academic distinctions of the University;
 - (e) co-operate, by way of exchange of teachers, scholars, students or otherwise with Universities or Institutions, in Sri Lanka or abroad, having objects similar or substantially similar to those of the Institute;
 - (f) recognise examinations passed, qualifications gained and the period of learning or study pursued by persons seeking admission to, 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) recommend to the University the creation of academic, administrative and other posts as may be required for the purposes of the Institute and to provide for the abolition or suspension of the same;
 - (h) erect, equip, and maintain, libraries, laboratories, classrooms, hospitals and other buildings required for instructional, training, clinical service or research purposes of the Institute;
 - (i) award fellowships, scholarships, bursaries, medals and other prizes;
 - (j) 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;
 - (k) recognize, with the concurrence of the University, such persons as may be approved by the Institute, as teachers, trainers and examiners of the Institute;
 - (l) co-operate with other similar institutes to achieve the objectives of the Institute;
 - (m) demand and receive fees in accordance with policies of the Government and any rule providing for the same; and
 - (n) do all such other acts or things, which are incidental to or consequential upon, the exercise and discharge of the powers, functions and duties of the Institute.

5. The officers of the Institute shall be the following: -

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

6. (1) The first Director shall be appointed by the Commission in consultation with the University.

- (2) Every subsequent Director shall be appointed by the Commission from a panel of three persons nominated by the Board of Management of the Institute (hereinafter referred to as the “Board”) constituted under paragraph 9 of the Ordinance:

Provided however, that no person shall be appointed as Director of the Institute for more than two consecutive terms.

- (3) Where a member of the staff of a Higher Educational Institution or a Higher Educational Institute is appointed as the Director, such Institution or Institute shall release such member of the staff so appointed to accept the post of Director.
- (4) A Director shall, unless he vacates office earlier or is removed from office under subparagraph (5), hold office for a period of three years reckoned from the date of his appointment or until he completes his age of retirement, whichever event, occurs earlier.
- (5) 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, at a special meeting convened for the purpose. The Deputy Director shall preside at such special meeting. In the absence of the Deputy Director, the members present at such special meeting shall elect from among themselves a person, to preside at such special meeting.
- (6) The Director shall be subject to disciplinary control of the Council of the University.
- (7) A Director who resigns or is removed from office, or completes his tenure may, if he was a member of the staff of a Higher Educational Institution or of a Higher Educational Institute immediately prior to his appointment as Director, revert to his substantive post in such Higher Educational Institution or Higher Educational Institute, provided that he has not completed his age of retirement.
- (8) Where 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 Deputy Director shall perform such duties. In the instance of inability of both the Director and the Deputy Director 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 of the Director. Until such arrangements are made the Dean of the Faculty of Medicine of the University shall perform the routine duties of the office.
- (9) Where a vacancy occurs in the office of Director, the Deputy Director shall perform such duties of the office of the Director until a permanent appointment is made under subparagraph (1). Where the Deputy Director is unable to do so, 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 of Director until a permanent appointment is made under subparagraph (1). Until such arrangements are made the Dean of the Faculty of Medicine of the University shall carry on the routine duties of the office.
- (10) The Director shall be a full-time officer of the Institute, and shall be the principal executive officer and the principal academic officer thereof. He shall be an ex-officio member and Chairman of the Board 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 authority or body.

- (11) 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 or each Board of Study, to ensure that the provisions of the Act, Ordinance or any other appropriate instrument in so far as they relate to the Institute, are duly observed and effect is given to the decisions of the Board or each Board of Study and may exercise all such powers as he may deem necessary for the purpose.
 - (12) It shall be the duty of the Director to give effect to, or to ensure that effect is given to the decisions of the Board and of each Board of Study.
 - (13) The Director shall be the Accounting Officer of the Institute.
 - (14) The Director shall be responsible for the maintenance of discipline, administration and academic quality and standards within the Institute.
7. (1) The Deputy Director shall be appointed by the Council as recommended by the Board based on the submissions made by a selection committee appointed for that purpose and shall be a full-time officer of the Institute.
- (2) Where a member of the staff of a Higher Education Institution or Higher Educational Institute is appointed as the Deputy Director such Institution or Institute shall release such member of the staff so appointed to accept the post of Deputy Director.
- (3) The Deputy Director shall, unless he vacates office earlier or is removed from office under subparagraph (3), hold office for a period of three years reckoned from the date of his appointment or until he completes his age of retirement whichever event; occurs earlier. No person shall be appointed as Deputy Director of the Institute for more than two consecutive terms.
- (4) The Deputy Director shall be removed from office by the Council on a vote of censure passed by not less than two-thirds of the total membership of the Board at a special meeting convened for the purpose.
- (5) The duties and functions of the Deputy Director shall be determined by the Board in consultation with the Director and shall be performed under the direction and control of the Director.
8. The authorities of the institute shall be the following: -
- (a) the Board;
 - (b) Boards of Study; and
 - (c) such other bodies as may be prescribed by the Ordinance to be such authorities
9. (1) The Board shall be the academic and executive body of the Institute, and shall consist of the following persons:-
- (a) The following ex-officio members, namely:-
- a) the Director;
 - b) the Deputy Director;
 - c) Deans of all Faculties of the University;
 - d) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education or his nominee;
 - e) the Secretary to the Ministry of the Minister in charge of the subject of Health or his nominee;
 - f) the Secretary to the Ministry of the Minister in charge of the subject of Finance or his nominee;
 - g) the Director-General of Health Services or his nominee;
 - h) the Immediate Past Director of the Institute; and
 - i) the Director of the Postgraduate Institute of Medicine, University of Colombo or his nominee.

(b) the following other appointed members namely: -

- a) five persons nominated by the Commission;
- b) three members elected by the Faculty Board of Medicine of the University from among the Heads of Departments or Professors of the Faculty;
- c) one member nominated by the Council from among the members of the Council; and
- d) two members nominated by the Council on the recommendation of the Board from among persons who have rendered distinguished service in educational, legal, professional, scientific, industrial, medical or administrative spheres.

(2) The Board may co-opt any 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 vote at any meeting.

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

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

Provided however, that if any elected or appointed member vacates his office prior to the expiry of his term, his successor shall, unless he vacates his office earlier, hold office for the unexpired portion of the term of office of his predecessor:

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

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

(4) Any appointed member of the Board may resign his office by writing under his hand addressed to the Chairman of the Commission, or the Head of the relevant institution.

(5) Any elected or 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 relevant authority shall take action to appoint a fit person to fill the resulting vacancy.

(6) The members of the Board shall be paid such remuneration or allowances as the Minister shall, in consultation with the Minister in charge of the subject of Finance, determine.

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

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

(9) The Director shall, whenever he thinks necessary or within one week of the receipt by him of a written request from not less than one-third of the total membership of the Board, convene a special meeting of the Board.

11. (1) Subject to the provisions of the Ordinance, the Act and of any appropriate instrument, the Board shall have control and general direction over instruction, education, clinical service relevant to clinical training, research and examinations in the Institute.

(2) Without prejudice to the generality of the powers conferred upon it by subparagraph (1), 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 subject to the directions of the University;
- (b) to regulate and determine all matters concerning the Institute in accordance with the provisions of the Act and of any appropriate instrument;
- (c) to administer, with the concurrence of the University, any funds placed at the disposal of the Institute for specific purposes;
- (d) to receive and accept, with the concurrence of the University, bequests, donations and grants made to the Institute;
- (e) to consider the annual report and the annual statement of accounts of the Institute and submit them to the University and the Commission;
- (f) to prepare the financial estimates of the Institute for the current and ensuing year 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 specialties of Medicine and the courses of study, training to be followed, the examinations to be passed, and 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 or required to be made and submit such By-laws to the Council 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 of the Institute and regulations concerning recognition of persons as specialists and submit such regulations to the Senate of the University (hereinafter referred to as the "Senate");
- (j) to draft, rules on any matter in respect of which rules are authorised or required to be made and submit such rules to the Council or the Senate as the case may be, of the University for enactment;
- (k) to provide premises, buildings, furniture, equipment and other materials required for the use of the Institute;
- (l) to recommend to the Council
 - (i) the creation, abolition or suspension of Senior Professorships, Professorships, Associate Professorships, Senior Lecturerships, Lecturerships, and other academic posts as may be required for the purposes of the Institute; and
 - (ii) the qualifications required of persons to be appointed as teachers, examiners, trainers, officers and other employees of the Institute;
- (m) to recommend to the Council to suspend, dismiss or to take disciplinary actions on students or persons employed in the Institute;
- (n) to recommend to the Council persons eligible to be recognised as teachers, trainers and examiners of the Institute;
- (o) to recommend to the University, after consideration of reports from the Board or Boards of Study concerned-
 - (i) schemes for the re-organisation of existing Boards of Study and the establishment of new Boards of Study; and
 - (ii) the assignment of specialties of Medicine to the respective Boards of Study;
- (p) 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 the reports of such committees and to either approve such reports, whether with or without modification, or to reject such reports;

- (q) to determine, in consultation with the Board or Boards of Study concerned and with the concurrence of the University, the criteria for the admission of students to courses of study;
- (r) to invest any moneys belonging to the Institute including any unapplied income, in any security in terms of the provisions of section 20 of the Trust Ordinance or any other written law it is lawful to invest trust moneys; or to invest any such moneys, with the approval of the University, in the purchase of immovable property in Sri Lanka or vary such investments or to place in fixed deposits in any bank approved by the University, any portion of such moneys not required for immediate expenditure with the concurrence of the University; and
- (s) to exercise all other powers of the Institute, which are incidental to or consequential upon the powers of the Institute as provided for in this Ordinance or any other appropriate instrument.

- (2) No resolution shall be passed by the Board in relation to any academic matter unless the Board of Study concerned has first been given an opportunity of recording and conveying its opinion thereon to the Board:

Provided 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 Board of Study concerned.

- 12. (1) The Institute shall establish Boards of Study for each of the following specialties of Medicine, and for other specialties of Medicine in which teaching and training are intended to be approved by the Commission upon the recommendation of the Board and the University: -

- (a) Clinical Sciences;
- (b) Basic Medical Sciences;
- (c) Applied Medical Sciences; and
- (d) Health Sciences.

- (2) The Board of Study shall be the main academic body of the Institute.
- (3) Where the designated number of members cannot be appointed to a Board of Study or to a Specialty Board due to any valid reason, the Board shall have the power to appoint qualified persons to fill such vacancies.
- (4) The Board shall have the power to dissolve Boards of Study or Speciality Boards on a vote of censure passed by not less than two- thirds of the total membership of the Board.

- 13. (1) Each Board of Study shall consist of the following persons: -

- (a) the Director;
- (b) three members from the relevant speciality or other specialties of Medicine nominated from among the Senior Professors, Professors, Associate Professors and Senior Lecturers of the Faculty of Medicine of the University; and in the case of Dental Postgraduate training programme from the Faculty of Dental Sciences of the University;
- (c) a Senior Professor, Professor (Chair), Professor, Associate Professor, Head or a Senior Lecturer in the relevant speciality or other specialties of Medicine from each Faculties of Medicine established under the Act nominated by the Dean of the Faculty;
- (d) a representative from each of the relevant Training Centers, Institutes, Faculties and Departments of Study; and
- (e) two members nominated by the Board from among the distinguished senior academics or consultants who serve or have served in the related public or private sector institution

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

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

Provided however, that if any 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 appointed member shall hold office so long as he retains the status or membership by virtue of which he was eligible for appointment as a member of the Board of Study, and shall cease to be a member on resignation, retirement or transfer from the training unit, center, University, Faculty or Department of Study. Members representing the colleges and associations shall cease to be members on reaching the age of sixty five years.

- (b) Any member of a Board of Study may resign his office by writing under his hand addressed to the Director.

- (c) Any appointed member of a Board of Study, who without leave of absence fails to attend three consecutive meetings of the Board of Study, shall be deemed to have vacated his office as a member of the Board of Study and the Director shall take such action to appoint a suitable person to fill the resulting vacancy.

- (4) Each Board of Study shall have a Chairman who shall be elected by the members of that Board of Study from amongst its members.
- (5) Each Board of Study shall have a Secretary who shall be elected by the members of that Board of Study from amongst its members.
- (6) The quorum for any meeting of any Board of Study shall be one-third of the total membership, excluding the co-opted members, if any.
- (7) Each Board of Study shall meet whenever necessary, so however that it meets on not less than ten occasions in each year.
14. (1) Subject to the provisions of the Ordinance, the Act and of any appropriate instrument, each Board of Study shall have control and general direction of instruction, education, research, training and examinations in the specialties of 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 specialties of Medicine concerned: -
- (a) to consider and report on any matter referred to it by the Board;
 - (b) to present recommendations and reports to the Board on all matters connected with the courses of study, teaching programme or programmes and examinations in the specialties of 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, requirements for the admission of students to courses of study and examinations;
 - (e) to draft regulations relating to courses of study and examinations in the relevant speciality of Medicine;
 - (f) to recommend to the Board such persons as are suitable for recognition as teachers and examiners;
 - (g) to recommend to the Board persons who having passed the prescribed examinations in the relevant speciality of Medicine to be recognised as specialists;
 - (h) to recommend to the Board the mode and conditions of competition for courses, fellowships, scholarships, exhibitions, bursaries, medals and other prizes; and

- (i) to recommend to the Board -
 - (i) schemes for the re- organisation of existing Boards of Study and the establishment of new Boards of Study; and
 - (ii) the assignment of specialities of Medicine to the respective Boards of Study.
15. The financial year of the Institute shall be the same as the financial year of the Government.
16. (1) The institute shall have a fund to be called the Postgraduate Institute of Medical Sciences 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, grants and gifts,
 - (c) moneys provided by Parliament and disbursed by the University or the Commission as grant in aid of the Institute; and
 - (d) all other moneys accruing to the Institute from any source whatsoever.

(2) A summary of all sums of money paid into the Fund within the course of a particular month, classified under the appropriate heads of revenue, shall, before the end of the next ensuing month’ be submitted by the Director to the Commission for its information.
17. (1) It shall be the duty of the Director-
 - (a) to keep the accounts of the Institute in such form and manner as may be specified by the Board;
 - (b) to receive all moneys paid into the Fund and to credit such moneys to the proper heads of accounts;
 - (c) to make all authorised payments; and
 - (d) to prepare for the Board such triennial estimates as are required by the University or the Commission and the annual financial appropriations for the ensuing year:

Provided however, that the income derived from grants or endowments made for specific purposes, 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.
18. (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 University and the Commission may from time to time specify.
- (2) The books of accounts of the Institute shall be kept in the office of the Institute.
- (3) The Institute shall exercise financial autonomy subject to the provisions of the Act, the Ordinance, any appropriate instrument and of financial regulations.
19. 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.
20. (1) The staff of the Institute shall consist of such officers, teachers and other employees as it may, with the concurrence of the University and the approval of the Commission, deem necessary for the efficient exercise, performance and discharge of the powers, duties and functions of the Institute.
- (2) The staff of the Institute shall be provided on release by the University from among its own staff, or be appointed by the Commission or the University, as the case may be. The provisions of Part X of the Act shall, *mutatis mutandis*, apply to and in relation to appointments to the staff of the Institute.

- (3) Where an officer, teacher or other employee of the University has been released for service to the Institute on a full-time basis, the Institute shall pay him the salary and the allowances of his substantive post in the University. In any other case, the Institute may pay the officer, teacher or other employee concerned, such allowance as it may determine in consultation with the University and with the approval of the Commission.
- (4) The staff of the Institute shall be subject to the direction and the disciplinary control of the Director and the University.
21. If any question arises as to whether any person has been duly elected, appointed, nominated or co-opted 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 thereof shall be final.
22. No act, resolution or proceeding of any authority or other body of the Institute shall be invalidated merely by reason of the existence of any vacancy among its members or of any defect in the appointment of any member thereof.
23. Upon the coming into operation of the Ordinance and subject to the provisions of the Act, the University shall have the power to grant and confer postgraduate degrees, diplomas, certificates and other academic distinctions in the several specialities of Medicine:

Provided however, the University shall grant and confer postgraduate degrees, diplomas, certificates and other academic distinctions only upon the recommendation of the Institute.
24. Any amendment to the Ordinance shall be approved by the Board, the Senate, the Council and the Commission.
25. In this Ordinance-

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

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

“Commission” means the University Grants Commission established under the Universities Act;

“speciality of Medicine” means any speciality approved by the Commission upon the recommendation of the Institute and the University from time to time; and

“Teacher” means a Senior Professor, Professor, Associate Professor, Senior Lecturer Grade I, Senior Lecturer Grade II, Lecturer and Lecturer (Probationary) and the holder of any post declared by Ordinance to be a post, the holder of which, is a teacher.