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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

THE UNIVERSITIES ACT, No. 16 OF 1978

L.D.B. 21/78 (xvi)

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.

Colombo,
23rd August, 2018.

Ordinance

01. This Ordinance may be cited as the Postgraduate Institute of Management Ordinance, No. 03 of 2018 and shall come into operation on 23.08.2018.

02. This Ordinance shall apply to the Postgraduate Institute of Management (here in after referred to as the "Institute") established on 1st January, 1986 by Order dated 18th December, 1985 made by the Minister in consultation with the University Grants Commission under section 24A of the Universities Act, No. 16 of 1978 (here in after referred to as the "Act") and published in *Gazette Extraordinary* No. 381/5 of December 24, 1985.

03. The Institute shall be attached to the University of Sri Jayawardenepura, Sri Lanka (here in after referred to as the "University").



04. Subject to the Provisions of the Act, and of any appropriate instrument, and the powers, duties and functions of the University Grants Commission (here in after referred to as the "Commission"), the Institute shall have power to -

- (a) admit students;
- (b) provide for postgraduate instructions, programmes, seminars, training, research and development studies both in Sri Lanka and abroad in various branches of management, marketing, finance and administration approved by the Commission upon the recommendation of the Institute;
- (c) 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 branches of management, marketing, finance and administration studies;
- (d) conduct with the approval of the University, postgraduate examinations both in Sri Lanka and abroad for the purpose of ascertaining the persons who have acquired proficiency in the several branches of management and administration and to recommend to the University of persons who have passed the 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, postgraduate diplomas, certificates and other academic distinctions of the University and to organize and hold convocations for that purpose under the aegis of the University;
- (e) recommend for purposes of recognition by the Senate the examinations passed and the periods of learning or study pursued by persons seeking admissions 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 recommend the withdrawal of such recognition at any time;
- (f) make arrangements for the conduct of research and courses or parts of courses of study in places outside the University and the Institute in accordance with any By-Law providing for the same;
- (g) collaborate, by way of exchange, sharing or receiving manpower, material and other forms of resources for conducting courses of study, training, research and publication in management and administration studies, or for the purpose of achieving the objects of the Institute, with Universities or Institutions in Sri Lanka or abroad, having objectives similar or substantially similar to those of the Institute;
- (h) co-operate, by way of providing opportunities, resources or otherwise with Institutions or Organizations either in the public or private sector in Sri Lanka or abroad, for the purpose of enhancing teaching, training and research potential of the Institute;
- (i) build, equip and maintain, for the purposes of the Institute, libraries, laboratories, information technology (IT) centres, research centres and reading rooms, recreational centres, staff and student restaurants and other welfare facilities and buildings;
- (j) appoint, with the approval of the University, such persons as may be approved by the Institute as teachers, examiners, consultants and research supervisors including foreign academics and professionals and to determine the terms and conditions of service of such persons and their salaries, allowances, emoluments or other benefits with the approval of the University;
- (k) print and publish scholarly journals, books, periodicals and other publications of academic and professional value and interest, and engage, promote and sponsor writers to contribute for the same;
- (l) organize and conduct seminars, conferences and residential workshops for the purpose of academic and professional advancement and value, and for the benefit to the Institute;

- (m) provide for career development of the Institute's staff both academic, administrative and others, and engage and sponsor staff welfare programmes and corporate social responsibility (CSR) programmes, and to collaborate with, sponsor and promote the activities of the Alumni of the Institute and of any organisation formed by the Alumni for mutual benefit and advancement;
- (n) levy fees, receive and disburse moneys and equipment for the accomplishment of the objects of the Institute; and
- (o) do all such other acts and things, whether incidental to or consequent upon the powers aforesaid, as may be necessary for the furtherance of the objects of the Institute.

05. The Authorities of the Institute shall comprise of 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 the Ordinance to be such authorities.

06. The Board of Management (here in after referred to as the "Board") shall be the academic and executive body of the Institute, and shall consist of-

- (1) the following ex- Officio members, namely-
 - (a) the Director of the Institute (here in after referred to as the "Director");
 - (b) the Dean of the Faculty of Management Studies and Commerce of the University; and
 - (c) the Dean of the Faculty of Graduate Studies of the University.
- (2) the following eight members appointed by the Commission (here in after referred to as "appointed members") from among persons who have rendered distinguished service in the educational, professional, industrial, agricultural, scientific, managerial, financial, technological, legal or administrative spheres.
 - (i) One member nominated by the Secretary to the Ministry of the Minister- in- charge of the subject of Higher Education;
 - (ii) one member nominated by the Secretary to the Ministry of the Minister-in-charge of the subject of Finance;
 - (iii) two members nominated by the Council of the University (here in after referred to as the "Council"); and
 - (iv) Four Members appointed by the Commission.

07. (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 any meeting of the Board, the members present shall elect, from among themselves, any member to preside at such meeting.

(2) Any appointed member shall, unless he vacates office earlier, hold office for a term of three years reckoned from the date of such appointment, 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.

(3) Any appointed member may resign his office by writing under his hand addressed to the Chairman of the Commission with a copy to the Director.

(4) Any appointed member, 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, having regard to the provisions of paragraph 6, appoint a suitable person to fill the resulting vacancy.

(5) The quorum for any meeting of the Board shall be five members.

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

(7) The Director shall, whenever he thinks necessary or within fourteen days upon 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.

08. (1) Subject to the provisions of the Act and of any appropriate instrument, the Board shall exercise, perform and discharge the powers, 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 and the powers and functions of the Senate and any advice or decision of the Boards of Study, the Board shall have general control and general direction of the education, research, training and other programmes provided and the examinations held by the Institute.

(3) Without prejudice to the generality of the powers conferred by subparagraphs (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 determine all matters concerning the Institute in accordance with the provisions of the Ordinance and of any other appropriate instrument;
- (c) to administer any funds placed at the disposal of the Institute for specific purposes;
- (d) to recruit academic training, research, Supervisory, Staff on a visiting/Contract basis;
- (e) to receive and accept with the approval of the University and the concurrence of the Commission, bequests, donations and grants to the Institute;
- (f) to consider and recommend the annual report and the statement of accounts of the Institute and to submit such annual report and such statement to the Council and the Commission;
- (g) to prepare the financial estimates of the Institute and to submit such estimates to the University and the Commission;
- (h) to recommend to the University, in consultation with the relevant Board or Boards of study, the postgraduate degrees, postgraduate diplomas, certificates and other academic distinctions which shall be awarded in the several branches of management and administration studies, 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 postgraduate degrees, postgraduate diplomas, certificates and other academic distinctions;
- (i) 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 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 relevant Board or Boards of study;

- (j) to draft, after consideration of reports from the relevant Board or Boards of Study, Regulations relating to courses of study and examinations, and to submit such drafts to the Senate;

- (k) to draft Rules in respect of any matter for which Rules are authorized or required to be made, and to submit such drafts to the Council or the Senate, as the case may be, for enactment;
 - (l) to provide or cause to be provided the buildings, premises, furniture, equipment and other material needed for carrying on the work of the Institute;
 - (m) to recommend to the Commission-
 - (i) the creation, abolition or suspension of Professorships, Associate Professorships, Senior Lecturerships, Lecturerships and other posts as may be required for the purposes of the Institute; and
 - (ii) the qualifications required of persons to be appointed as teachers, officers and other employees of the Institute;
 - (n) to advise the University on the appointment, suspension, dismissal and the disciplinary control of persons in the employment of the Institute;
 - (o) to appoint such number of Standing Committees or *ad-hoc* Committees as it may deem necessary and to specify their terms of reference; to consider their reports and to approve with or without modification, or to reject such reports;
 - (p) 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, and to invest such moneys, with the approval of the Commission 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 Commission, any portion of such money not required for immediate expenditure; and
 - (q) to exercise such 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.
- (4) 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 conveying its opinion thereon to the Board:

Provided that, no resolution so passed shall be acted upon except with the concurrence of the University.

09. The Officers of the Institute shall be the following:-

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

10. (1) The Director holding such office upon the coming into force of this Ordinance shall continue to function in such office until the expiration of his term. Every subsequent Director shall be appointed by the Commission from a panel of three persons recommended by the Board:

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

(2) 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.

(3) The Director shall, unless he vacates office earlier or is removed from office under subparagraph (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) The Director shall be removed from office by 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 members present at such special meeting shall elect from among themselves a person, other than the Director, to preside at such special meeting.

(5) A Director who resigns or is removed from office or completes his term of office 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 sixty-fifth year.

(6) 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 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 Management Studies and Commerce of the University or the Registrar of the University shall carry on the routine duties of the office.

(7) Where a 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 such office until a permanent appointment is made under subparagraph (1). Until such arrangements are made the Registrar of the University shall carry on the routine duties of the office.

11. (1) The Director shall be the principal executive and academic officer of the Institute. 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 other authority or body.

(2) It shall be the duty of the Director to ensure that the provisions of the Ordinance, the Act and of any appropriate instrument in so far as they relate to the Institute, are duly observed, in accordance with such directions as may from time to time be lawfully issued to him in that behalf by the Board, 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 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.

12. The Institute shall establish Boards of Study in respect of each branch of learning in management and administration studies approved by the Commission upon the recommendation of the Board.

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

- (a) the Director; and
 - (b) six other members appointed by the Board, at least three of whom shall be Professors, Associate Professors, Senior Lecturers, Lecturers of the Faculty of Management Studies and Commerce of the University, or of any other University or appropriate professional body, as may be determined by the Board.
- (2) Any Board of Study may, with the concurrence of the Board, co-opt one or more than one member for a specific purpose and for a specified period. No member so co-opted shall have the right to stand for election or to vote at any meeting of such Board of Study.
- (3) The provisions of subparagraphs (2) and (4) of paragraph 7 shall, *mutatis mutandis*, apply to and in relation to each appointed member of any Board of Study.

- (4) Each Board of Study shall have a Chairman who shall be elected by the relevant Board of Study from among its members.
- (5) Each Board of Study shall have a Secretary who shall be elected by the relevant Board of Study from among its members.
- (6) The quorum for any meeting of any Board of Study shall be five members, excluding co-opted members, if any.

14. (1) Subject to the provisions of the Ordinance, the Act and of any appropriate instrument, each Board of Study shall exercise, perform and discharge the following powers, duties and functions:-

- (a) consider and report on any matter referred to it by the Board;
- (b) regulate matters connected with teaching, examinations and research in the Institute, subject to the control of the Board;
- (c) recommend and report to the Board on all matters connected with the courses of study conducted and examinations held at the Institute; and
- (d) recommend to the Board the persons suitable for appointment as examiners.

15. The financial year of the Institute shall be the same as the financial year of the University.

16. (1) The Institute shall have a fund to be called the Postgraduate Institute of Management Fund (here in after referred to as the "Fund"), in to 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 each quarter of the financial year, classified under the appropriate heads of revenue, shall, before the end of the next ensuing quarter, be submitted by the Director to the Commission for its information.

17. 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 the Ordinance;
- (b) to receive all money paid into the Fund and to credit such money 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 Commission and the annual financial appropriations for the ensuing year.

Provided however, that 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, without the prior approval of the Commission.

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 Commission may from time to time specify.

(2) The books of accounts of the Institute shall be maintained at the office of the Institute.

19. The provisions of Part XIII of the Act relating to the auditing of the accounts of a Higher Educational Institution shall, *mutatis mutandis*, apply to and in relation to the auditing of accounts of the Institute.

20. (1) The staff of the Institute shall consist of such officers, teachers and other employees as the Board 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 its own staff, or be appointed by the Commission. The provisions of Part X of the Act relating to the appointment of staff of a Higher Educational Institution 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 other allowances as it may determine in consultation with the University.

(4) The staff of the Institute shall be subject to the direction and the disciplinary control of the Director.

21. If any question arises as to whether any persons 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 thereon 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 such member.

23. In this Ordinance-

"Act" means the Universities Act, No. 16 of 1978.

24. (1) Ordinance No. 3 of 1985 published in *Gazette* Extraordinary No. 382/7 of December 31, 1985 and the Ordinance No. 7 of 1996 published in *Gazette* Extraordinary No. 909/13 of February 09, 1996 are hereby repealed without prejudice to anything done under the aforesaid Ordinance.

(2) All funds lying to the credit of the Fund established by paragraph 16 of the Ordinance No. 3 of 1985, on the day preceding the date on which this Ordinance comes into force, shall, with effect from that date, continue to be the funds lying to the credit of the Fund of the Institute under this Ordinance.