



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

**GENERAL SIR JOHN KOTELAWALA NATIONAL
DEFENCE UNIVERSITY**

A

BILL

to provide for the establishment, maintenance and administration of a university known as the General Sir John Kotelawala National Defence University; to impart higher education at university level; to provide for the vesting of Kandawala Estate and the movable property thereon in the university; to repeal the Sri John Kotelawala Defence University Act, No. 58 of 1981 and to provide for matters connected therewith or incidental thereto

*Presented by the Prime Minister and Minister of Finance, Minister of
Buddhasasana, Religious & Cultural Affairs and Minister of
Urban Development & Housing on 26th of March, 2021*

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*General Sir John Kotelawala National
Defence University*

L.D.—O. 4/2009

AN ACT TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND ADMINISTRATION OF A UNIVERSITY KNOWN AS THE GENERAL SIR JOHN KOTELAWALA NATIONAL DEFENCE UNIVERSITY; TO IMPART HIGHER EDUCATION AT UNIVERSITY LEVEL; TO PROVIDE FOR THE VESTING OF KANDAWALA ESTATE AND THE MOVABLE PROPERTY THEREON IN THE UNIVERSITY; TO REPEAL THE SIR JOHN KOTELAWALA DEFENCE UNIVERSITY ACT, NO. 58 OF 1981 AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS having regard to the need and the importance of making available opportunities for achieving academic and professional qualifications to persons who intend to serve in the Armed Forces and in the Public Service of Sri Lanka and also to other persons:

Preamble.

AND WHEREAS it has become a matter of national importance to establish a University for the purpose of granting academic and professional qualifications to such persons who intend to serve in the Armed Forces and in the Public Service of Sri Lanka and also to other persons:

AND WHEREAS the late General Sir John Lionel Kotelawala CH, KBE, LLD transferred as and by way of gift absolute and irrevocable to the Democratic Socialist Republic of Sri Lanka the land and premises owned and possessed by him known as Kandawala Estate and certain other movable properties:

AND WHEREAS it was the wish and desire of the said late General Sir John Lionel Kotelawala CH, KBE, LLD that the said land and premises and movable properties shall be used for the purpose of establishing a National Defence University to impart higher education and training at university level to persons who intend to serve the nation and in the Armed Forces of Sri Lanka.

PART II

OBJECTS AND POWERS OF THE UNIVERSITY

4. The objects of the University shall be to—
- 5 (a) provide facilities to introduce officer cadets to the profession of arms, and guide them to develop their knowledge and skills in the profession of arms, prior to being commissioned in the Armed Forces;
- 10 (b) provide for such courses of study and instruction in such branches of learning for officer cadets, officers of the armed forces, public servants and other persons leading to the award of such degrees, diplomas and other academic distinctions;
- 15 (c) foster a spirit of comradeship and goodwill and promote understanding among officer cadets to develop their character, self-confidence and qualities of leadership; and
- 20 (d) to admit officer cadets, officers, public officers and other persons to follow such courses of study and to hold examinations for the purpose of ascertaining the proficiency acquired in such courses of study and in such branches of learning.
- 25 5. The University shall subject to the provisions of this Act, have the power to—
- 30 (a) admit officer cadets and officers of the Armed Forces, public officers and other persons to follow such courses of study and instructions;
- (b) provide a basic service training to officer cadets;
- Objects of the University.
- Powers and functions of the University.

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- (c) provide facilities and instructions in academic studies in such subjects as would be relevant to officer cadets, officers, public officers and other persons;
- 5 (d) provide for courses of study, training and instructions leading to the grant of degrees, diplomas, certificates and other academic distinctions as may be approved under section 19(1)(b), in such branches of learning relating to defence and such other academic fields as may be prescribed by regulations;
- 10
- (e) hold examinations for the purpose of evaluating the performance and for ascertaining the proficiency acquired in such courses of study and in such branches of learning by officer cadets, officers of the armed forces, public officers and other persons;
- 15
- (f) provide opportunities for research relating to defence and any other branches of learning and for the advancement and dissemination of knowledge;
- 20
- (g) recognize courses conducted by military training institutes or other academic institutes established under this Act, under the supervision of, and in accordance with the criteria stipulated by the University, and to award degrees for such courses;
- 25
- (h) affiliate with local and foreign higher educational institutions including technical, vocational or professional institutions as may be required for the purposes of the University;
- (i) charge fees for the provision of any courses of study, training and instructions including educational and professional, to the public or any institution and to disburse the income so generated for the attainment of the objects of the University in such manner as shall be prescribed by any Ordinance;
- 30
- 35

- 5 (j) grant and confer notwithstanding anything to the contrary in the provisions of section 128 of the Universities Act, No.16 of 1978, degrees, diplomas, certificates and other academic distinctions on officer cadets, officers of the armed forces, public officers and other persons who have followed courses of study in such branches of learning at the University and passed such examinations in conformity with any Statute made for such purpose;
- 10 (k) confer honorary degrees and other academic distinctions on persons approved by the Board of Governors in conformity with any Statute made for such purpose;
- 15 (l) erect, equip and maintain for the purposes of the University, teaching hospitals, libraries, medical and other laboratories and other buildings and facilities according to law;
- 20 (m) institute Senior Professorships, Professorships, Associate Professorships, Senior Lectureships, Lectureships and other academic and non-academic posts as may be required for the purposes of the University;
- 25 (n) institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes in conformity with any Statute made for such purpose;
- (o) establish campuses, colleges, faculties, departments, centers, academic institutions and such other specialized institutes, schools and divisions as may be required by the University;
- 30 (p) co-operate by way of exchange of lecturers, students and scholars or otherwise with other institutions local and foreign, having objects or interests similar to or substantially similar to those of the University;

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(q) liaise with any other institution, government and private, for the purposes of the University including dissemination and sharing of information, knowledge and resources;

5 (r) provide facilities for higher education to persons employed by the University;

10 (s) recognize examinations passed and period of learning pursued by persons at any University established or deemed to be established under the Universities Act, No.16 of 1978, and any other higher educational institutions including technical, vocational or professional institution local or foreign, for the purpose of admitting students to the University, as approved by the Board of Governors in conformity with any Statute made for such purpose;

15 (t) receive grants, gifts or donations, whether from local or foreign sources;

20 (u) take or hold any movable or immovable property which may become vested in the University 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:

25
30 Provided however, that any sale, hypothecation, lease, exchange or other disposition of any such property shall be invalid, if the same is made in contravention of any restriction, condition or prohibition imposed by law or by any appropriate Instrument or Order, by which any such property was vested in the University;

- 5 (v) enter into and perform or carryout, whether directly or through any officer or agent authorized in that behalf by the University, all such contracts or agreements as may be necessary for the attainment of the objects of the University;
- (w) borrow or raise money for the purposes of the University in such manner and upon such security as the Board of Governors may think fit;
- 10 (x) appoint such employees and agents as are necessary for carrying out the functions of the University and remunerate such employees and agents;
- (y) invest funds of the University in such manner as the Board of Governors may think fit; and
- 15 (z) do all such other acts or things as may be necessary for effectively exercising any of the powers conferred by this Act, and for the attainment of all or any of the objects of the University.

PART III

POWERS OF THE MINISTER

- 20 **6.** (1) The Minister shall be responsible for the general direction and administration of this Act. Responsibility and Powers of the Minister.
- (2) The Minister may from time to time issue to the Board of Governors such written directions in regard to matters as he may consider necessary. Every written direction issued under this subsection shall be tabled in Parliament within 25 three months of the date of its issue.
- (3) It shall be the duty of the Board of Governors to comply with all directions issued by the Minister under subsection (2).

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(4) The Minister shall from time to time direct the Board to publish in the *Gazette*, a list of the institutes affiliated with the University.

5 7. Where the Minister is of the view that any situation prevailing in the University is likely to endanger national security or is detrimental or prejudicial to national policy or is likely to disrupt the smooth functioning of the University, he may direct the Board of Governors to take all such steps as he may deem necessary, to bring such situation under
10 control.

Minister to give directions in case of national security etc.

8. The Board of Governors referred to in section 18 shall, before the expiry of a period of six months after the closure of each financial year, submit to the Minister a report containing a full account of its activities during that year.
15 The Minister shall cause copies thereof to be tabled in Parliament.

Annual Report.

PART IV

CHANCELLOR AND OFFICERS OF THE UNIVERSITY

20 9. (1) There shall be a Chancellor of the University (hereinafter referred to as the "Chancellor") who shall be appointed by the President.

Chancellor and Officers of the University.

(2) The Chancellor shall be the titular Head of the University and shall hold office for a period of five years from the date of such appointment.

25 (3) The Chancellor shall, subject to the provisions of subsection (3) of section 25, when present, preside at any Convocation of the University.

30 (4) In the event of the vacation of office by the Chancellor by death, resignation addressed to the President or removal by the President, the person appointed to succeed such Chancellor shall hold office of Chancellor for the unexpired period of the term of office of his predecessor.

(5) The other Officers of the University shall be as follows:-

- (a) the Vice-Chancellor;
 - (b) the Rectors of Campuses;
 - 5 (c) the Deputy Vice-Chancellor (Defence and Administration);
 - (d) the Deputy Vice-Chancellor (Academic);
 - (e) the Dean of each Faculty;
 - 10 (f) the Commanding Officer of the Head Quarter Battalion;
 - (g) the Adjutant;
 - (h) the Registrar;
 - (i) the Librarian;and
 - (j) the Bursar.
- 15 **10.** (1) The President shall appoint a senior officer of the Armed Forces as the Vice-Chancellor of the University. The Vice-Chancellor.
- (2) For the purpose of this section such senior officer of the Armed forces shall be appointed respectively from the Sri Lanka Army, Sri Lanka Navy and Sri Lanka Airforce
20 in rotation.
- (3)The Vice-Chancellor shall be a fulltime officer of the University and shall be the principal executive and administrative officer and the principal academic officer. The Vice-Chancellor shall be entitled to convene, be present
25 and speak at any meeting of any functional organ or other body of the University.

(10) Where the Vice-Chancellor by reason of leave, illness, absence from Sri Lanka or for any other cause is temporarily unable to perform the duties of his office, the President shall make such arrangements as he may think fit for carrying on the duties of the office, the Deputy Vice-Chancellor (Defence and Administration) of the University shall until such arrangements are made to perform the routine duties of the office of the Vice-Chancellor.

(11) Where any vacancy occurs in the office of the Vice-Chancellor, the President may make such arrangement as he may think fit, for performing the duties of the office until a permanent appointment is made. Until such arrangements are made, the Deputy Vice-Chancellor (Defence and Administration) of the University shall perform the routine duties of the Vice-Chancellor.

(12) Where a Vice-Chancellor is appointed by the President for the purpose of subsection (10), such Vice-Chancellor unless he retires or vacates his office, shall hold office for the unexpired period of term of office of his predecessor.

(13) For the purposes of this section, the expression a 'senior officer of the Armed Forces' means:-

- (i) in the case of the Sri Lanka Army, an officer not below the rank of Major General;
- (ii) in the case of the Sri Lanka Navy, an officer not below the rank of Rear Admiral; and
- (iii) in the case of the Sri Lanka Air Force, an officer not below the rank of Air Vice Marshall.

11. (1) There shall be a Rector in a Campus of the University who shall be appointed by the Board of Governors. The Rector of a Campus.

(2) The Rector shall be the academic and administrative head of a Campus.

5 **12.** (1) The Deputy Vice-Chancellor (Defence and Administration) shall assist the Vice Chancellor in the discharge of executive and administrative functions. Deputy Vice-Chancellor of the University.

(2) The Deputy Vice-Chancellor (Academic) shall assist the Vice-Chancellor in the discharge of academic functions of the University.

10 **13.** (1) There shall be a Dean of each Faculty who shall be the academic head of that Faculty. The Dean shall be appointed by the Vice-Chancellor with the approval of the Board of Governors. The Dean of a Faculty.

15 (2) The Dean shall, subject to the provisions of any subordinate legislation made under this Act, hold office for a period of three years reckoned from the date of his appointment and shall, unless disqualified from holding such office, be eligible for re-appointment, for a further period of three years.

20 (3) Where the Dean by reason of leave, illness, absence from Sri Lanka or for any other cause is temporarily unable to perform the duties of his office, for a period not exceeding three months, the Vice-Chancellor with the approval of the Board of Governors, shall appoint a person to act in the post of Dean for such period.

25 (4) Where a Dean of a Faculty is removed, retires, resigns or for any other reason unable to perform the duties, the Vice-Chancellor with the approval of the Board of Governors, shall appoint a Dean and the Dean so appointed shall hold the office of the Dean for the unexpired period of
30 the term of the office of his predecessor.

14. (1) There shall be an Adjutant in the University, who shall be an officer of the Sri Lanka Army in the rank of Lieutenant Colonel, appointed by the Board of Governors. Adjutant of the University.

(2) The Adjutant shall function as a fulltime officer of the University.

(3) The Adjutant shall:-

- 5 (a) subject to the direction and control of the Vice-Chancellor, be responsible for the maintenance of discipline of officer cadets and service personnel in the University;
- (b) be responsible for ensuring the security of the University;
- 10 (c) be responsible for the preparation and implementation of the Standing Orders; and
- (d) be in charge of the Arms Kote, explosives and arms and ammunition.

15 **15.** (1) The Registrar of the University shall be appointed by the Board of Governors on the recommendation of a Selection Committee, the composition of which shall be as prescribed by Ordinance. Registrar of the University.

(2) The Registrar shall function as a fulltime officer of the University.

20 (3) The Registrar shall -

- (a) subject to the direction and control of the Vice-Chancellor, be responsible for the administration of the office of the Registrar of the University;
- 25 (b) be responsible for the custody of the records and the property of the University excluding Arms Kote, explosives and arms and ammunitions referred to in section 14 (3) (d); and

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- (c) exercise, perform and discharge such powers, duties and functions as may be conferred or imposed or assigned to him under this Act.

5 **16.** (1) The Bursar of the University shall be appointed by the Board of Governors upon the recommendation of a Selection Committee, the composition of which shall be as prescribed by Ordinance. The Bursar
of the
University.

(2) The Bursar shall function as a fulltime officer of the University.

10 (3) The Bursar shall -

- (a) subject to the direction and control of the Vice-Chancellor, be responsible for the general administration of the finances of the University and shall maintain its accounts in such form and manner as may be prescribed by Ordinance;
- (b) shall have the custody of the public funds of the University; and
- (c) exercise, perform and discharge such powers, duties and functions as may be conferred or imposed on or assigned to him by this Act.

25 **17.** (1) The Librarian of the University shall be appointed by the Board of Governors upon the recommendation of a Selection Committee, the composition of which shall be as prescribed by Ordinance. The
Librarian of
the
University.

(2) The Librarian shall function as a fulltime officer of the University.

(3) The Librarian shall –

- (a) subject to the direction and control of the Vice-Chancellor, be responsible for the

administration of the library or libraries of the University; and

- 5 (b) exercise, perform and discharge such powers, duties and functions as may be conferred on or imposed upon or assigned to him by this Act.

PART V

THE GOVERNING AUTHORITY AND FUNCTIONAL ORGANS OF THE UNIVERSITY

- 10 **18.** (1) The Board of Governors (in this Act, hereinafter referred to as the "Board") shall be the governing authority of the University and Board shall, subject to the provisions of this Act and any subordinate legislation made thereunder exercise, perform and discharge all powers, duties and
15 functions conferred or imposed or assigned upon the University by this Act.

The Board of
Governors of
the
University.

(2) The Board shall consist of the following members:-

- (a) the Secretary to the Ministry of the Minister assigned the subject of Defence;
- 20 (b) the Additional Secretary to the Ministry of the Minister assigned the subject of Defence;
- (c) the Chief of Defence Staff;
- (d) the Commander of the Sri Lanka Army;
- (e) the Commander of the Sri Lanka Navy;
- 25 (f) the Commander of the Sri Lanka Air Force;
- (g) the Vice Chancellor of the University;
- (h) a nominee of the University Grants Commission; and

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- (i) a representative of the General Treasury nominated by the Secretary to the General Treasury.

5 (3) The Secretary to the Ministry of the Minister assigned the subject of Defence shall be the Chairman of the Board who shall preside at all meetings of the Board. If the Chairman is unable to preside at any meeting, the Additional Secretary to such Ministry shall preside at such meeting.

10 (4) The Registrar of the University shall function as the Secretary to the Board.

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

15 (6) At every such meeting any two of the Commanders of the Armed Forces of Sri Lanka referred to in paragraphs (d), (e) and (f) of subsection (2) shall be present.

(7) The Board shall meet whenever it deems necessary, provided that it shall meet on not less than six occasions in each year.

20 (8) No act, decision or proceeding of the Board shall be invalidated by reason only of the existence of a vacancy among its members.

25 **19.** (1) Without prejudice to the generality of the powers conferred upon it by section 18 the Board shall exercise, perform and discharge the following powers, duties and functions:- Powers, duties and functions of the Board.

(a) determine from time to time the requirements for the admission of students to the University;

30 (b) approve courses of study and training leading to the grant of degrees, diplomas, certificates and other academic distinctions in conformity with such standards of instructions which shall not be lower

than the standards of instructions as may be determined or prescribed by Ordinance by the University Grants Commission;

- 5 (c) select a coat of arms for the University and determine its form;
- (d) inquire into or investigate from time to time the financial needs of the University;
- (e) approve from time to time corporate strategic plans and corresponding budgets for the University;
- 10 (f) determine from time to time within the overall wage and salary policies of the Government, the quantum of remuneration that should be paid to the members of the staff of the University and other benefits that the staff is entitled to receive;
- 15 (g) consider the annual report and the annual accounts of the University and submit such report and accounts, along with any amendments that it may consider necessary, to the Minister;
- 20 (h) prepare the budget estimates and the annual financial appropriations of the University and submit the same to the Minister;
- 25 (i) make Rules, Ordinances, Statutes and By-Laws in respect of any matters for which such Ordinances, Statutes and By-Laws are required or authorized to be made under this Act;
- (j) appraise performance of persons in the staff of the University;
- 30 (k) appoint examiners, whether from the staff of the University or from elsewhere, and determine the fees which may be paid to such examiners;

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- 5 (l) enter into, carry out or cancel contracts on behalf of the University, and invest any moneys belonging to the University, including any unapplied income generated by the University, in the purchase of immovable property in Sri Lanka or vary such investments or place in fixed deposits, in any bank approved by the Minister, any portion of such moneys not required for immediate expenditure;
- 10 (m) institute, abolish or suspend Senior Professorships, Professorships, Associate Professorships, Senior Lectureships, Lectureships and such other posts;
- (n) institute, abolish or suspend any non-academic post;
- 15 (o) determine the qualifications required for any academic or non-academic staff of the University;
- (p) establish collaborations and partnerships with public and private sector, local or foreign, for purpose of achieving the objects of the University;
- 20 (q) award fellowships, scholarships, exhibitions, bursaries, medals and other prizes;
- (r) establish campuses, colleges, faculties and departments, centers and any other institutes, schools and divisions as may be determined;
- 25 (s) determine academic dress and insignia of officers, graduates and students of the University; and
- (t) exercise all such other powers of the University, the exercise of which is not otherwise provided for in this Act or in any subordinate legislation made under this Act .
- 30

(2) The Board may for the purpose of exercising, performing and discharging its powers, duties and functions under this Act, delegate to the Vice-Chancellor any of such powers, duties and functions vested in or imposed upon or assigned to the Board by or under this Act.

(3) The Board may, appoint such number of Standing Committees, *ad hoc* Committees or Boards as it may deem fit and in particular, the following:-

- 10 (i) Quality Assurance and Accreditation Committee;
- (ii) Ethics, Higher Degrees and Research Committee;
- (iii) Curriculum and Evaluation Committee;
- (iv) Leave and Awards Committee;
- (v) Industry – University Partnership Committee;
- 15 (vi) Media and Information Services Committee;
- (vii) Library Committee;
- (viii) Finance Committee;
- (ix) Audit and Management Committee;
- 20 (x) Board of Residence, Discipline and Student Affairs; and
- (xi) Board of Examinations.

20. (1) The Functional Organs of the University shall be the following:- The Functional Organs.

- (a) the Head Quarters;
- 25 (b) the Council;
- (c) the Senate; and
- (d) the Faculty Boards.

(2) The Vice-Chancellor, subject to the approval of the Board, may delegate the exercise, performance and discharge of any such powers, duties and functions vested in or imposed upon or assigned to him under subsection (2) of section 19
5 to the Functional Organs of the University.

21. (1) The Head Quarters of the University shall consist of:- The Head
Quarters of
the
University.

- (a) the Vice-Chancellor;
- 10 (b) the Deputy Vice-Chancellor (Defence and Administration);
- (c) Commanding Officer (Administration);
- (d) the Adjutant;
- (e) the Registrar;
- (f) the Bursar; and
- 15 (g) the University Sergeant Major.

(2) The Head Quarters shall be the operational and administrative body of the University.

22. (1) The Council of the University (hereinafter referred to as the "Council") shall consist of:- The Council.

- 20 (a) the following ex-officio members -
 - (i) the Vice-Chancellor;
 - (ii) the Rectors of Campuses;
 - (iii) the Deputy Vice-Chancellor (Defence and Administration);
 - 25 (iv) the Deputy Vice-Chancellor (Academic);
 - (v) the Directors of Training of the Armed Forces of Sri Lanka;
 - (vi) the Dean of each Faculty;

- (vii) the Adjutant;
- (viii) the Registrar; and
- (ix) the Bursar.

(b) the following nominated members:-

- 5 (i) two other members of the Senate
nominated by the Vice-Chancellor;
- (ii) a representative of the Ministry of the
Minister assigned the subject of Defence
10 nominated by the Secretary to such
Ministry;
- (iii) two members nominated by the Secretary
to the Ministry of the Minister assigned
the subject of Defence, from among
15 persons who have rendered distinguished
service in the educational, professional,
commercial, industrial, scientific or
administrative fields; and
- (iv) a representative from a university
20 established or deemed to be established
under the Universities Act, No.16 of 1978
nominated by the Chairman of the
University Grants Commission.

(2) (a) The Vice-Chancellor who shall be the Chairman of
the Council shall preside at all meetings of the Council. If
25 the Vice-Chancellor is unable to preside at any meeting, the
Deputy Vice-Chancellor (Defence and Administration) shall
preside at such meeting.

(b) The Registrar of the University shall function as the
Secretary to the Council.

30 (3) The Council shall function as a consultative body of
the University.

- (ii) such number of Lecturers as is equal to the total number of Faculties, nominated by the Vice-Chancellor.

5 (2) Each member nominated under paragraph (b) of subsection (1), shall hold office for a period of two years reckoned from date of his nomination.

10 (3) (a) The Vice-Chancellor shall be the Chairman of the Senate who shall preside at all meetings of the Senate. If the Chairman is unable to preside at any meeting, the Deputy Vice-Chancellor (Defence and Administration) shall preside at such meeting.

 (b) The Deputy Registrar of the University shall function as the Secretary to the Senate.

15 (4) The Senate shall function as an academic body of the University, and appoint, with the approval of the Board, such number of *ad hoc* committees as it may deem fit.

24. (1) (a) The Faculty Board of the Faculties of Academic Studies of the University shall consist of the following persons:- The Faculty Board.

- 20 (i) the Dean of the Faculty;
- (ii) the Senior Professors, Professors, Associate Professors, Senior Lecturers and Lecturers of the Faculty;
- 25 (iii) two members of the permanent academic staff imparting instructions in the Faculty, excluding those referred to in paragraph (ii);
- (iv) a representative of the Dean of the Faculty of Defence and Strategic Studies;
- (v) the Senior Assistant Registrar;

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- (vi) Assistant Librarian; and
 - (vii) not more than three persons not being members of the staff of the University, appointed by the Board from among persons of eminence in the areas of study relevant to the Faculty.
- 5

(b) The Faculty Board of the Faculty of Defence and Strategic Studies of the University shall consist of the following persons :-

- (i) the Dean of the Faculty;
- 10 (ii) Heads of Department of the Department of Defence Studies and Department of Strategic Studies;
- (iii) Squadron Commanders;
- (iv) Staff Officer Grade II;
- (v) Sports Officer;
- 15 (vi) Mess Manager;
- (vii) Troop Commanders; and
- (viii) Training Support Officer.

(2) All appointed members of a Faculty Board shall hold office for a period of two years, reckoned from the date of his appointment.

20

(3) The Dean of each faculty shall be the Chairman of the Faculty Board who shall preside at all meetings of the Faculty Board. Where the Dean of the Faculty is unable to preside at any such meeting, the Vice-Chancellor shall nominate a member of the Faculty Board to preside at such meeting.

25

(4) (a) The Senior Assistant Registrar shall function as the Secretary to the Faculty Board of the Faculties of Academic Studies of the University.

(b) A Staff Officer of Grade II shall function as the
5 Secretary to the Faculty Board of the Faculty of Defence and Strategic Studies of the University.

(5) The Vice-Chancellor and Deputy Vice-Chancellors shall have the right to attend any meeting of a Faculty Board.

PART VI

10 CONVOCATION OF THE UNIVERSITY

25. (1) The University shall for the purpose of conferring degrees, hold a General Convocation once in every year on such date or dates as may be approved by the Board: Holding of the convocation of the University.

15 Provided that, the University may hold a Special Convocation at any other time, as the Board may determine.

(2) The procedure for the holding of Convocation shall be prescribed by By-Law.

(3) The President shall, when present, preside at a Convocation. In the absence of the President the Chancellor
20 shall preside at such Convocation and in the absence of both the President and the Chancellor, the Vice-Chancellor shall preside at such Convocation.

PART VII

STAFF OF THE UNIVERSITY

25 **26.** Every appointment to the staff of the University shall be made by the Board in accordance with such schemes of recruitment and procedures, as are prescribed by Ordinance. Board to appoint staff of the University.

27. The qualifications of and remunerations for all teachers and all non-academic staff of the University shall be determined by the Board which shall not be lower than such qualifications and remunerations determined in respect of the teachers and non-academic staff by the Universities established or deemed to be established under the Universities Act, No. 16 of 1978.

Determination of qualifications of staff of the University.

28. (1) Every appointment to a post of teacher shall be made by the Board and every such appointment shall in the first instance, be for a probationary period of three years, which period may be extended by the Board for such period as may be prescribed by the Ordinance. At the end of the probationary period, the appointment may be confirmed in accordance with the requirements or conditions relating to confirmation, provided for in the appropriate schemes of recruitment as prescribed by Ordinance:

Probationary periods and confirmation.

Provided that, where the appointment is to a post of teacher and the appointee has been previously confirmed in a post of teacher or equivalent to a teacher in another government department or public sector institution which the appointee is attached, the appointment shall in the first instance be for a probationary period of one year.

(2) Every appointment to a non-academic post shall be made by the Board and every such appointment shall in the first instance, be for a probationary period of three years, which period may be extended by the Board for such period as may be prescribed by the Ordinance. At the end of the probationary period, the appointment may be confirmed in accordance with the requirements or conditions relating to confirmation, provided for in the appropriate schemes of recruitment as prescribed by Ordinance:

Provided that where the appointment is to a non-academic post and the appointee has been previously confirmed in a post equivalent to a non-academic post in another government department or public sector institution which the appointee is attached, shall in the first instance be for a probationary period of one year.

(3) The period of probation for a lecturer (probationary) referred to in subsection (1) shall be for such period as may be prescribed by Ordinance.

5 **29.** (1) The holder of a post of teacher, who has been confirmed in his post, shall hold such post until he has completed sixty five years of age:

Retirement of teachers and persons holding a non-academic post.

10 Provided that, the holder of such post may at any time pending an inquiry by the Board, be suspended for misconduct, inefficiency or dereliction of duty and may be dismissed or compulsorily retired if found guilty after such inquiry, on a resolution adopted by the Board.

15 (2) The provisions of Establishment Code, Public Administration Circulars and Public Service Commission rules relating to the age of retirement of public officers shall be applicable in regard to the age of retirement of those holding any non-academic post in the University.

(3) Where, before completing the probationary period referred to in section 28, a person holding:-

20 (a) the post of a teacher, reaches the age of sixty five years; or

(b) a non-academic post, reaches the age of retirement specified in the provisions of Establishment Code, Public Administration Circulars and Public Service Commission rules referred to in subsection (2).

25 such person shall be deemed to have been retired from service from the date on which he reached that age.

30 (4) Every holder of a post in the University who is dismissed or is compulsorily retired from his post or is otherwise punished for misconduct, inefficiency or dereliction of duty, may appeal against such dismissal or compulsory retirement or other punishment, to the Board.

- 5 **30.** (1) At the request of the Board, an officer in the public service may with the consent of that officer, the Secretary of the Ministry by or under which that officer is employed, the Secretary to the Ministry of the Minister in charge of the subject of Public Administration and the Public Service Commission, be temporarily appointed to the post of a teacher of the University, for such period as may be determined by the Board or with like consent be permanently appointed as a teacher.
- 10 (2) The provisions of subsection (2) of section 14 of the National Transport Commission Act, No.37 of 1991, shall *mutatis mutandis* apply to and in relation to any officer in the public service who is temporarily appointed to the post of a teacher of the University.
- 15 (3) The provisions of subsection (3) of section 14 of that Act shall, *mutatis mutandis* apply to and in relation to any officer in the public service who is permanently appointed to the post of a teacher of the University.
- 20 (4) Where the University 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 University by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.
- 25 **31.** Without prejudice to the generality of the provisions of the Establishment Code, the Regulations made under this Act, the provisions of the Army Act (Chapter 357), the Navy Act (Chapter 358), the Airforce Act (Chapter 359) and the regulations made thereunder as the case may be, shall, apply
30 in respect of the disciplinary control of the staff of the University.

Appointment of public officers to the Staff of the University.

Disciplinary control of the staff.

PART VIII

FINANCE

32. (1) The University shall have its own Fund into which shall be credited:- The University Fund.

- 5 (a) all such sums of money provided for its use by Parliament under sections 33 and 38;
- (b) all such sums of money as may be received by the University by way of donations or grants from any source whatsoever;
- 10 (c) fees paid to the University for any purpose as approved by the Board;
- (d) all such sums of money as may be paid to the University *in lieu* of the performance of any agreement made with the University;
- 15 (e) any income generated by the University by the provision of any service; and
- (f) any other payments required to be made to the University in accordance with any rule or regulation made under this Act.

20 (2) There shall be paid out of the Fund of the University all such sums of money as are required to defray all expenditure incurred by the University in the exercise of its powers under this Act.

25 33. The Secretary to the Treasury shall as soon as may be practicable after the commencement of each financial year, pay to the University such sums of money as may be provided for by Parliament by way of annual appropriation, supplementary vote or otherwise, as a grant in aid of the University. Grants in aid of the University.

34. The budget estimates and the annual financial appropriations of the University prepared with the assistance of the Bursar under paragraph (d) of section 35 shall be considered by the Board before such date as may be prescribed by By-Law. The Board may make such alterations in such estimates and financial appropriations as it thinks fit, and shall submit them to the Minister together with the accounts of the University for the completed financial year and the Minister may, where he considers it necessary, amend any such estimates and financial appropriations.

Board to consider budget estimates and annual financial appropriation.

35. It shall be the duty of the Bursar of the University to:-

Duties of the Bursar.

(a) keep and maintain the accounts of the University in such form and in such manner as may be prescribed by rules;

(b) receive all moneys paid into the Fund of the University and to credit such money to the proper heads of accounts;

(c) make all authorized payments;

(d) assist the Board in the preparation of budget estimates and the annual financial appropriations of the University; and

(e) prepare any supplementary estimates under section 39 of this Act, where necessary.

36. The income derived by the University from grants made for specific purposes or from endowments for specific objects, shall be separately accounted for in the accounts of the University and no payment shall be made from such income for the general purposes of the University or for any purposes or objects other than those for which such grants or endowments were made.

Income from grants for specific purposes to be separately accounted for.

- 37.** The Board shall by resolution adopt the budget estimates, annual financial appropriations and annual accounts of the University prior to the submission of the same to the Minister under section 34. The Board to adopt budget estimates and annual financial appropriations.
- 5 **38.** The Board may in case of necessity, transfer funds from one vote to another of the annual estimates, subject to the approval in writing of the Treasury. Transfer of funds from one vote to another.
- 10 **39.** (1) In case of necessity and in order to meet any unforeseen expenditure, it shall be lawful at any time for Bursar to prepare supplementary estimates of expenditure. Supplementary estimates.
- 15 (2) The supplementary estimates prepared under subsection (1) shall be submitted to the Board for its adoption and once adopted shall be made available to the Minister together with the annual appropriation for the succeeding year.
- (3) Financial expenditure of a recurrent nature shall not be incurred without the prior approval of the Minister given with the concurrence of the Minister in charge of the subject of Finance.
- 20 **40.** (1) The financial year of the University shall be the calendar year. Financial year and audit of accounts.
- 25 (2) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to and in respect of the audit of accounts of the University.
- 41.** The accounts of the University for each financial year, when audited, shall be published in the *Gazette*. Publication of audited accounts.

42. (1) The University shall within three months of the receipt of the Auditor General's report in respect of each financial year, transmit to the Minister such report with any comments made thereon by the Board, together with the statement of accounts to which such report relates.

Annual accounts and Auditor-General's report to be transmitted to the Minister.

(2) The Minister shall cause copies of all the documents transmitted to him under subsection (1) to be tabled in Parliament before the end of the year succeeding the year to which such documents relate.

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PART IX

GENERAL PROVISIONS

43. A person shall be disqualified from being appointed to or continuing as a member of any Functional Organ or a body of the University or as an Officer of the University, where he:-

Disqualification from among members of any Authority of the University.

- 15
- (a) is an un-discharged, bankrupt or is insolvent;
- (b) is convicted of any offence involving moral turpitude;
- 20
- (c) is under any law in force in Sri Lanka or any other country, found or declared to be of unsound mind;
- (d) directly or indirectly by himself or by any person on his behalf or for his use or benefit holds or enjoys any right or benefit under any contract, other than his contract of employment, made by or on behalf of the University;
- 25
- (e) is or becomes a Member of Parliament or a member of a Provincial Council or a Local Authority;

- (f) had been removed from the membership of any Functional Organ or from any Office of the University for misconduct;
- 5 (g) is found to be unfit to continue to be a member of a Functional Organ or body or continue to hold office, by reason of incompetence, ill health or physical or mental infirmity;
- (h) is found guilty of misconduct or corruption; or
- (i) is found guilty of gross abuse of power of his office.
- 10 **44.** (1) The Board may, in the interest of national security require person who is admitted as a student or as an employee of the University to provide such information as may be prescribed by any subordinate legislation at the time of his enrolment or appointment as the case may be. Power of the Board to require information in the interest of national security.
- 15 (2) A person referred to in subsection (1) shall comply with such requirement.
- 45.** All Officers and members of the staff of the University shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19). Officers and servants of the University deemed to be public servants under the Penal Code.
- 20 **46.** The University shall be deemed to be a Scheduled Institution within the meaning of the Bribery Act and provisions of that Act shall be construed accordingly. University deemed to be a scheduled institution within the meaning of the Bribery Act.

47. (1) Where the presence of any person within the University, other than of any Officer, member of the staff or a student of the University, is in the opinion of the Vice-Chancellor not conducive to the welfare of the University or its students, the Vice-Chancellor or any officer authorized by him in writing in that behalf may after giving such person an opportunity of being heard, serve on such person by writing under his hand, a notice prohibiting such person from entering or remaining within the precincts of the University or within such part thereof as may be specified in such notice. Such prohibition shall remain in force until revoked by the Board.

Prohibition
on
undesirable
persons from
entering
precincts.

(2) A certificate under the hand of the Vice-Chancellor to the effect that any person named in the certificate has been prohibited, in accordance with the provisions of subsection (1) from entering or remaining in the precincts of the University or any part thereof, shall be received and accepted by any court as evidence of the facts stated in such certificate, until the contrary is proved and be deemed to be a certificate issued by the Vice-Chancellor.

(3) Any person who is prohibited under the provisions of subsection (1) from entering or remaining within the University precincts or part thereof and who without reasonable cause, enters or remains within such precincts or part thereof in contravention of such prohibition, shall be guilty of an offence and shall on conviction after summary trial by a Magistrate, be liable to a fine of ten thousand rupees in respect of each day or part thereof on which he has entered or during which he has remained, within such precincts or part thereof.

(4) An offence under subsection (3) shall be a cognizable and a bailable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

48. (1) Subject to the provisions of this Act, Statutes may Statutes.
be made by the Board in respect of all or any of the following
matters –

- 5 (a) delegation of powers, functions and duties by the
Board to the Vice-Chancellor and Functional
Organs;
- (b) where not otherwise provided for, the filling of
vacancies in and the convening of any Functional
Organ of the University;
- 10 (c) the determination of the degrees and other academic
distinctions to be conferred;
- (d) the conferment of honorary degrees or other
distinctions;
- 15 (e) the institution and award of fellowships,
scholarships, exhibitions, bursaries, medals and
other prizes for which funds or property may in any
manner whatsoever be provided; and
- (f) all matters which under the provisions of this Act,
Statutes are authorized or required to be made.

20 (2) Every Statute made under subsection (1) shall be
published in the *Gazette* and shall come into force on the
date of such publication in the *Gazette* or on such other date
as may be specified therein.

49. (1) Subject to the provisions of this Act, By-Laws By-laws.
25 may be made by the Board in respect of all or any of the
following matters:-

- (a) the courses of study approved by the Board for grant
of degrees, diplomas, certificates and other academic
distinctions;

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- (b) the conditions subject to which students shall be admitted to courses of study and examinations prescribed for degrees, diplomas, certificates and other academic distinctions;
- 5 (c) the fees to be charged for courses of study, examinations and award of degrees, diplomas, certificates and other academic distinctions;
- (d) all matters connected with the nomination of representatives to the various Functional Organs and bodies of the University;
- 10 (e) the conditions and mode of appointment of examiners, their duties, the fees to be paid to them and their conduct and maintenance of standards of examinations; and
- 15 (f) all matters which under the provisions of this Act, By-Laws are authorized or required to be made.

(2) A By-Law in respect of any matter relating to or connected with teaching or the examinations of the University shall not be made by the Board, until a draft of such By-Law has first been prepared and submitted to the Board through the Council by the Senate.

20

(3) Every By-Law made by the Board shall come into force on such date as shall be specified therein.

50. (1) The Minister may make regulations in respect of Regulations.
25 any matter required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

(2) 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 prescribed in such regulation.

30

(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 such disapproval, but without prejudice to anything previously done thereunder.

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

10 **51.** Subject to the provisions of this Act, the Board may make rules in respect of all matters:- Rules.

(a) for which rules are required to be made under the provisions of this Act; and

15 (b) for which rules are required to be provided for in order to enable the Functional Organs of the University to carry out their duties and functions under this Act.

20 **52.** Subject to the provisions of this Act, the Board may make Ordinances in respect of all matters for which Ordinances are required to be made under this Act. Ordinances.

53. Any right to any mineral in, under or upon any land so vested in the University shall be deemed to remain, and shall remain, the absolute property of the Republic. Minerals to remain the absolute property of the Republic.

25 **54.** The provisions of the Universities Act, No. 16 of 1978, as amended shall not apply to or in relation to the University established by this Act. Provisions of Act, No. 16 of 1978 not to apply.

30 **55.** The provisions of the Employees' Provident Fund Act, No. 15 of 1958, the Employees' Trust Fund Act, No. 48 of 1980, and Payment of Gratuity Act, No. 12 of 1983, as shall be applicable in respect of retirement benefits of the teachers and non-academic staff of the University. Application of certain Acts.

56. (1) The Sir John Kotelawala Defence Academy Act, No. 68 of 1981, is hereby repealed. Repeals and savings.

(2) The Minister shall, by Order published in the *Gazette* appoint the date on which such repeal shall take effect.

5 (3) Notwithstanding such repeal, on the day preceding the date of the repeal –

 (a) the person holding the office of the Chancellor appointed under the repealed Act, shall, with effect from the date of such repeal, be deemed to be the Chancellor appointed under this Act and continue to hold office as the Chancellor of the University until the expiration of his term of office;

10

 (b) the person holding the office of Commandant appointed under the repealed Act, shall, with effect from the date of such repeal, be deemed to be the Vice-Chancellor appointed under this Act and continue to hold office as the Vice-Chancellor of the University until the expiration of his term of office under the repealed Act; and

15

 (c) the officers, and servants appointed under the repealed Act, shall with effect from the date of such repeal be deemed to be the officers, and servants appointed under this Act and continue to be members of the staff of the University on terms not less favorable than the terms and conditions to which they were entitled to.

20

25

(4) Notwithstanding the repeal of the aforementioned Act, from and after the appointed date -

 (a) all movable and immovable property of the General Sir John Kotelawala Defence Academy vested under the vesting Order made under section 20(1) of the repealed Act, and published in *Gazette* No.182 of February 2, 1982, shall vest in the University;

30

- 5 (b) all debts, obligations, assets and liabilities incurred and all contracts and agreements entered into and all matters and things engaged or agreed to be done by or with the General Sir John Kotelawala Defence University and subsisting on the day immediately preceding the date on which this Act comes into operation shall be deemed to be debts, obligations, assets and liabilities incurred and contracts and agreements entered into and all matters and things engaged or agreed to be done by or with the University;
- 10
- 15 (c) all sums of money lying to the credit of the Fund of the General Sir John Kotelawala Defence University on the day immediately preceding the date or which this Act comes into operation, shall stand transferred with effect from that date, to the Fund established by section 32 of this Act;
- 20 (d) all rights, interests and liabilities of the General Sir John Kotelawala Defence University existing on the day immediately preceding the date or which this Act comes into operation shall be deemed to be the rights, interests and liabilities of the University;
- 25 (e) all suits, prosecutions, appeals or other legal proceedings instituted by or against the General Sir John Kotelawala Defence University pending on the day immediately preceding the date or which this Act comes into operation in any court in Sri Lanka shall continue as suits, prosecutions, appeals or other legal proceedings instituted by or against the University;
- 30
- 35 (f) any decree, order or award entered into or made in favour of or against the General Sir John Kotelawala Defence University by any court or tribunal or other body in any action, matter, proceeding or thing shall with effect from the appointed date be deemed to be a decree, order or award entered in to or made in favour of or against the University and be enforced accordingly;

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 Defence University*

5 (g) all Ordinances, Statutes, By-Laws, Rules and Regulations made under the repealed Act unless they are inconsistent with the provisions of this Act shall continue to be in operation as if such Ordinances, Statutes, By-Laws, Rules and Regulations were made under this Act until they are made under this Act.

(5) Notwithstanding the repeal of the aforementioned Act from and after the appointed date:-

10 (a) every reference to the “General Sir John Kotelawala Defence University” in any written law, notice, notification, instrument, contract, communication or other document shall be read and construed as a reference to the “General Sir John Kotelawala National Defence University” established under this Act;

20 (b) every reference to the “Board of Management of the General Sir John Kotelawala Defence University” in any written law, notice, notification, contract, communication or other document shall be read and construed as a reference to the “Board of the General Sir John Kotelawala National Defence University” established under this Act;

25 (c) every reference to the “Commandant of the General Sir John Kotelawala Defence University” in any written law, notice, notification, contract, communication or other document shall be read and construed as a reference to the “Vice-Chancellor of the General Sir John Kotelawala National Defence University” appointed under subsection (1) of section 11 of this Act;

30 (d) any reference in Deed No. 1292 dated 11th July, 1978 and in Deed No. 1389 dated 07th April, 1980, to the Kotelawala Defence Academy, Kotelawalapura, shall be deemed to be a reference to the General Sir John Kotelawala National Defence University established under this Act.

57. The Minister may, in connection with the purposes of this Act, either generally or with reference to any special matter may, on the recommendation of the Board and by Order publish in the *Gazette* issue all such direction as he may deem necessary with a view to providing for any special or unforeseen circumstances for which no provision or effective provision is made by or under this Act.

Removal of difficulties

58. The Minister shall, as soon as practicable from the appointed date by Order published in the *gazette*, publish a list of the movable properties transferred to the Democratic Socialist Republic of Sri Lanka and vested in the University by late Sir John Lionel Kotelawala described in the Schedule II to the Deed No. 1389 dated 7th April 1980, attested by Sri Ragavan Narayanasamy of Colombo notary public.

Special provision relating to certain movable properties.

59. In this Act, unless the context otherwise requires:-

Interpretation.

“Armed Forces of Sri Lanka” means –

(a) the Sri Lanka Army; or

(b) the Sri Lanka Navy; or

(c) the Sri Lanka Air Force.

“By-Law” means a By-Law made by the Board under section 49 of this Act;

“degree” means both bachelors and postgraduate degrees awarded by the University;

“diploma” includes higher diplomas and postgraduate diplomas awarded by the University;

“Establishment Code” means the Establishment Code of the Democratic Socialist Republic of Sri Lanka;

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“Functional Organ” means any Organ specified in section 20 of this Act;

“Military training institutes” mean the military training institutes of the Armed Forces of Sri Lanka;

5 “Minister” means the Minister assigned the subject of Defence;

10 “non-academic staff” means all the members of staff other than the teachers of the University, and includes academic support staff, administrative staff, and clerical and allied services;

“Ordinance” means any Ordinance made by the Board under the provisions of this Act;

“principal executive and administrative officer” means the Vice-Chancellor of the University;

15 “Regulation” means any Regulation made by the Minister under section 50 of this Act;

“Rule” means any Rule made by the Board under section 51 of this Act;

20 “Senior Assistant Registrar” shall include an Assistant Registrar;

“Statute” means any Statute made by the Board under section 48 of this Act;

25 “Standing Orders” mean administrative directives issued from time to time on the direction by the Vice-Chancellor;

“Subordinate Legislation” means any Ordinance, Statute, By-Law, Rule or Regulation made in accordance with the provisions of this Act;

“teacher” means a Senior Professor, Professor, Associate Professor, Senior Lecturer and Lecturer (Probationary) and includes a Librarian, Deputy Librarian, Senior Assistant Librarian and Assistant Librarian; and

5 “University Grants Commission” means the Commission established under section 2 of the Universities Act, No. 16 of 1978.

10 **60.** 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.

