

Sri Lanka Institute of Advanced Technological Education

AN ACT TO PROVIDE FOR THE, ESTABLISHMENT OF THE SRI LANKA INSTITUTE OF ADVANCED TECHNOLOGICAL EDUCATION ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

Act Nos,

25 of 2006

[1st December
, 1995]

Short title and date of operation. **1.** This Act may be cited as the Sri Lanka Institute of Advanced Technological Education Act, No. 29 of 1995, and shall come into operation on such date as the Minister may appoint by Order published in the Gazette.

PART I

ESTABLISHMENT OF THE SRI LANKA INSTITUTE OF ADVANCED TECHNICAL EDUCATION

Establishment².

of the Sri Lanka Institute of Advanced Technological Education.

(1) There shall be established an Institute which shall be called the Sri Lanka Institute of Advanced Technological Education (hereinafter referred to as the “Institute”).

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

Objects of 3. The objects of the Institute shall be-
the Institute.

- (a) the conduct of Higher National Diploma and National Diploma Courses and any other technological courses as may be determined by the Minister from time to time ;
- (b) the planning and co-ordination of technological education ;
- (c) the apportionment to Advanced Technological Institutes of the funds voted by Parliament and the control of expenditure by each such Advanced Technological Institute ;
- (d) the maintenance of academic and training standards in Advanced Technological Institutes ;
- (e) the regulation of the administration of Advanced Technological Institutes ;
- (f) the regulation of the admission of students to each Advanced Technological Institute; and
- (g) the exercise, performance and discharge of such powers, duties and functions as are conferred or imposed on, or assigned to, the Institute by or under this Act.

Powers of 4. The Institute shall have the following powers : –

- (a) to recommend to the Minister the establishment of Advanced Technological Institutes ;
- (b) to make statutes and by-laws applicable to the Advanced Technological Institutes ;
- (c) to determine the financial, physical and human resources necessary to conduct the courses of study by Advanced Technological Institutes ;
- (d) to allocate funds to, regulate expenditure and monitor the utilization of funds by, Advanced Technological Institutes ;
- (e) to select students for admission to each Advanced Technological Institute in conformity with national policy ;
- (f) to inquire into or investigate, from time to time, the financial needs of each Advanced Technological Institutes ;
- (g) to prepare, from time to time, in consultation with the governing authority of each Advanced Technological Institute, triennial budgets for its maintenance and development, or for any other general or special purpose ;
- (h) to make recommendations, from time to time, to the Minister as to the nature and amount of grants out of public funds, which it is desirable or necessary to make to each Advanced Technological Institute ;

(i) to formulate schemes of recruitment and procedures for appointment of the staff of Advanced Technological Institutes ;

(j) to formulate schemes for staff development ;

(k) to determine, from time to time, within the overall wage and salary policies of the Government, the quantum of remuneration that should be paid to different grades of staff of Advanced Technological Institutes and the nature and extent of the other benefits that the staff should receive ;

(l) to appoint the staff of the Institute which shall consist of such officers and servants as the Institute may deem necessary for the proper and efficient conduct of its business ;

(m) to establish and operate welfare schemes for the benefit of the staff of the institute ;

(n) to investigate or to cause investigation into such matters pertaining to the discipline of the students of any Advanced Technological Institute as may be brought to the notice of the Governing Council of the Institute by the Chief Executive Officer of that Advanced Technological Institute and to take remedial measures ;

(o) to act as the appellate body for the staff and students in such matters where the affected parties are not satisfied with the decisions of the Chief Executive Officer of the Advanced Technological Institute ;

(p) to acquire and hold, any property, movable or immovable and to sell, lease, mortgage, exchange or otherwise dispose of the same :Provided however, that no immovable property of the Institute shall be sold without the prior approval in writing of the Minister ;

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

(r) to accept grants or donations, from persons or bodies of persons, in or outside Sri Lanka ;

(s) to enter into and perform all such contracts as may be necessary for the exercise of its powers ;

(t) to initiate, promote, conduct and co-ordinate research, surveys and investigations in relation to any aspect of the development of the education of technological personnel and associate professionals ;

(u) to make grants to any person or a team of persons or to any recognized institute or institutes, for a specific research project or projects related to education of technological personnel and associate professionals ;

(v) to make rules in respect of the management of the affairs of the Institute ; and

(w) to do all such other acts or things which in the opinion of the Institute are necessary for, or conducive or incidental to, the attainment of its objects.

Academic 5. Without prejudice to the generality of the powers conferred upon it by section 4, the Institute shall exercise the following the Institute. academic powers : –

(a) to recommend to the Minister the policy on Advanced Technical Education ;

(b) to design, review and revise curricula of relevant courses of study ;

(c) to initiate, promote, conduct and co-ordinate research, surveys and investigations in relation to any aspect of the development of Advanced Technical Education ;

(d) to evaluate student performance ;

(e) to conduct examinations and assess student performance ;

(f) to confer diplomas and other academic distinctions in conformity with the by- laws enacted for the purpose; and

(g) to determine, from time to time, in consultation with the governing authority of each Advanced Technological Institute, the total number of students to be admitted annually to each Advanced Technological Institute and the apportionment of that number to the different courses of study.

Administration6.
of the institute
vested in
Governing
Council.

(1) The administration, management and control of the affairs of the Institute shall be vested in the Governing Council of the Institute (hereinafter referred to as “the Council”).

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

Constitution 7.
of the
Council.

(1) The Council shall consist of the following :-

(a) ex-officio members, namely-

(i) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education, who shall be the Chairman (hereinafter referred to as "the Chairman");

(ii) the Director-General of the Institute;

(iii) the Director-General of the Department of Technical Education and Vocational Training; and

(b) the following other members, namely-

(i) a representative of the Institute of Chartered Accountants of Sri Lanka established by the Institute of Chartered Accountants Act, No. 23 of 1959, appointed by the Minister;

(ii) a representative of the Federation of Chambers of Commerce and Industry of Sri Lanka appointed by the Minister;

(iii) a representative of the Institute of Engineers of Sri Lanka established by Act, No. 17 of 1968 appointed by the Minister;

(iv) not more than six representatives appointed by the Minister from the Ministries of the Ministers in charge of the subjects respectively of Youth Affairs, Employment and Sports, Industrial Development, Trade and Commerce, Science, Technology, Human Resources, Education, Agriculture, Land and Forestry; and

(v) three persons appointed by the Minister who shall be persons of recognized competence or eminence in the areas of study relevant to the Institute.

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

(3) Every member of the Council appointed under paragraph (b) of subsection (1) shall vacate office as such member- (a) if he is removed from office by the Minister; or (b) if he resigns his office by letter addressed to the Minister.

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

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

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

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

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

Seal of the Institute. **8.** The seal of the institute-

(a) shall be in the custody of such persons as the Council may from time to time determine ;

(b) may be altered in such manner as may be determined by the Council ; and

(c) shall not be affixed to any document except with the sanction of the Council and in the presence of a member of the Council who shall sign the document in token of his presence.

Meetings of **9.**
the Council.

(1) The Chairman or in his absence the Director-General of the Institute shall preside at meetings of the Council. In the absence of both the Chairman and the Director-General, a member elected by the members present shall preside as such meeting.

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

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

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

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

The **10.**
Academic
Syndicate.

(1) There shall be an Academic Syndicate of the institute (hereinafter referred to as the "Syndicate").

(2) The Syndicate shall consist of the following :- (a) ex-officio members namely- (i) the Director-General of the Institute, who shall be the Chairman ; (ii) the Deputy Director-General, Planning and Research of the Institute, who shall be the Secretary ; (iii) the Deputy Director-General of Institutional Affairs ; (iv) the Directors of Advanced Technological Institutes ; and (b) the following other members, namely- (i) five Heads of Sections appointed by the Council from the Advanced Technological Institutes representing different disciplines ; (ii) five teachers appointed by the Council from each area of study provided for by the Advanced Technological Institutes ; and (iii) five persons appointed by the Council, on the recommendation of the Director-General of the Institute, from among persons of eminence in the areas of study relevant to the Institute.

(3) Every member of the Syndicate appointed under paragraph (b) of subsection (2) shall hold office as a member for a period of two years reckoned from the date of his appointment and shall be eligible for re-appointment.

(4) The quorum for a meeting of the Syndicate shall be five.

Power of the **11.**
syndicate,

(1) The Syndicate shall have control and general direction of instruction, education, research and examinations in the Institute,

(2) Without prejudice to the generality of the powers conferred on it by subsection (1), the Syndicate shall exercise, perform and discharge the following powers, duties and functions : –

(a) to draft, after consideration of reports from the departments of Study of the Advanced Technological Institutes, statutes, relating to courses of study and examinations and to submit such drafts to the Council for approval ;

(b) to recommend to the Council the names of persons suitable for appointment as examiners ;

(c) to recommend to the Council, after consideration of reports from the Departments of Study of Advanced Technological Institutes concerning-

(i) schemes for re-organization ; and

(ii) assignment of subjects of study to the respective divisions ;

(d) to recommend to the Council the mode and conditions for the award of fellowships, scholarships, exhibitions, bursaries, medals and other prizes ;

(e) to award fellowships, scholarships, exhibitions, bursaries, medals and other prizes on such conditions as may be approved by the Council ;

(f) to appoint such number of standing committees as it may deem fit and in particular, but without prejudice to the generality of the preceding provisions of this subsection, appoint-

(i) Information Services Committee ;

(ii) Admissions Committee ;

(iii) Research Committee ;

(iv) Curriculum and Evaluation Committee; and

(v) Leave and Awards Committee, and to specify their terms of reference, to consider their reports and to either approve or reject such reports ; and

(g) to recommend to the Council, requirements for the admission of students to courses of study.

PART II

APPOINTMENT OF THE DIRECTOR GENERAL OF THE INSTITUTE AND STAFF OF THE INSTITUTE

Appointment¹².

of the
Director
General of
the Institute.

(1) The Minister may appoint to the staff of the Institute a Director-General (hereinafter referred to as “the Director-General”) who shall be the principal executive officer and principal academic officer of the institute.

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

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

(4) The Director-General shall submit for the consideration of the Council, policies and measures considered by him to be necessary for the purpose of carrying out the objects of the Institute,

(5) The Director-General shall exercise or perform such powers or duties as may be delegated to him by the Council,

(6) The Director-General shall be entitled to be present, speak and vote at any meeting of any Board or other body established by, or under, this Act.

(7) The Minister may in writing remove the Director-General from office-

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

(b) if he has done any act or a thing which in the opinion of the Minister is of a fraudulent or illegal character or is manifestly opposed to the objects of the Institute ; or

(c) if he acts contrary to the national policy.

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

(9) Unless removed from office under subsection (7), any person who has been appointed as Director-General shall be eligible for reappointment as Director-General.

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

(11) The Director-General shall be the accounting officer of the Institutes.

(12) The Director-General may with the approval of the Council, whenever he considers it necessary to do so, delegate to any officer or other member of the staff of the institution any power, function or duty delegated to him by the Council.

Officers and **13.**
servants of
the Institute.

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

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

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

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

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

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

Appointment15.
of the
officers to
the staff of
the staff of
the Institute.

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

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

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

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

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

PART III
FINANCE

Initial capital **16.**
of the
Institute.

(1) The initial capital of the Institute shall be such sums as may be granted to the Institute for that purpose by resolution of Parliament.

(2) The capital of the Institute may be increased from time to time by such amounts as may be authorized by an Appropriation Act or by any resolution of Parliament.

Fund of the **17.**
Institute.

(1) The Institute shall have its own Fund.

(2) There shall be paid into such Fund-

(a) all such sums of money as may be voted by Parliament for the use of the Institute ;

(b) all such sums of money as may be received by the Institute by way of donations, gifts or grants from any source whatsoever and fees charged for services rendered by the Institute ; and

(c) all such sums of money as are required to be paid into such Fund by or under this Act.

(3) There shall be paid out of such Fund-

(a) all sums of money required to defray any expenditure incurred by the Institute in the conduct of its business or in the exercise, performance and discharge of its powers, duties and functions under this Act, or any other written law ; and

(b) all such sums of money as are required to be paid out of such Fund by or under this Act.

Financial **18.** The financial year of the Institute shall be the calendar year.
year of the
Institute

Audit of **19.** The provisions of Article 154 of the Constitution shall apply
accounts. to the audit of the accounts of the Institute.

PART IV
ESTABLISHMENT OF ADVANCED TECHNICAL INSTITUTES

Establishment²⁰.
of an
Advanced
Technological
Institute.

(1) The Minister may, in consultation with the Institute,
by an Order published in the Gazette-

(a) establish an Advanced Technological
Institute, for the purpose of providing,
promoting and developing the education of
technological personnel and associate
professionals ;

(b) assign a name and style to such Institute ;

(c) specify the location or site which shall be
the seat of that Institute ;

(d) assign a department or departments to
such Institute ; and

(e) specify the divisions of study.

(2) Upon the making of an Order under subsection (1)
an Advanced Technological Institute shall be deemed
to have been established with the name and style
assigned to it in that Order, with full power to sue and
be sued in all courts in such name, and to have a
common seal, and to exercise perform and discharge
the powers, functions and duties conferred or imposed
on, or assigned to an Advanced Technological Institute
by or under this Act.

Power of the 21. Subject to the powers, duties and functions of the Institute, Advanced Technological Institute shall have power-

Technological Institute.

- (a) to admit students to the Advanced Technological Institute on the recommendations of the Institute ;
- (b) to conduct courses of study in conformity with the curricula approved by the Institute ;
- (c) to liaise with other Advanced Technological Institutes in all matters as are necessary ;
- (d) to maintain links with industry ;
- (e) to plan and implement extension courses with the approval of the Institute ;
- (f) to maintain accounts ;
- (g) to pay salaries and any other disbursements to its officers and servants ;
- (h) to conduct examinations as specified by the Institute for ascertaining the persons who have acquired proficiency in the courses of study conducted by it and to recommend to the Institute the grant of Diplomas and other academic distinctions to the candidates successful at such examinations ;
- (i) to acquire property with the consent of the Institute ;
- (j) to enter into contracts with the concurrence at the Institute ;
- (k) to demand and receive fees as may from time to time, be prescribed by regulations and by-laws of the Institute ;
- (l) to prepare its own budget, and obtain approval from the Institute for its implementation ;
- (m) to have its own Fund to which grants from the Institute and any income generated by it shall be credited ; and
- (n) to erect and equip libraries, laboratories, workshops, offices, work areas, classrooms, recreational areas and other buildings, with the concurrence of the Institute.

Officers of 22. The officers of the Advanced Technological Institute shall be-
the Advanced Technological Institute.

- (a) the Director, who shall be the Chief Executive Officer ;
- (b) the Registrar, who shall be responsible for the general administration of the Advanced Technological Institute ;
- (c) the Accountant ;
- (d) the Chief Librarian ; and
- (e) the Heads of Divisions,

Certain provisions of section 128 of the Universities Act, No. 16 of 1978, shall not apply to and in relation to the Institute.

Universities Act, No 16 of 1978 not to apply.

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

scheduled institution with in the meaning of the Bribery Act.

Members and employees of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Members and employees of the Institute deemed to be public servants.

Protection of action taken under this Act.

26.

(1) No suit or prosecution shall lie-

(a) against the Institute for any act which in good is done or purported to be done by the Institute under this Act, or

(b) against any member of the Council or any officer or servant of the Institute for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Institute.

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

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

(4) No writ against person or property shall issue against a member of the Institute in any action brought against the Institute.

Regulations. 27.

(1) Subject to the Provisions of this Act, the Minister may make regulations for, and in respect of, all matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

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

(3) Every regulation 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 its disapproval, but without prejudice to anything previously done there under.

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

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