



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

INSTITUTE OF FUNDAMENTAL STUDIES,
SRI LANKA

ACT, No. 55 OF 1981

[Certified on 3rd September, 1981]

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Institute of Fundamental Studies; Sri Lanka
Act, No. 55 of 1981

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L. D.—C. 35/80.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN INSTITUTE OF FUNDAMENTAL STUDIES AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Institute of Fundamental Studies Sri Lanka, Act, No. 55 of 1981, and shall come into operation on such date as the President may appoint by Order published in the *Gazette* (in this Act referred to as the "appointed date").

Short title and date of operation.

PART I

THE INSTITUTE OF FUNDAMENTAL STUDIES, SRI LANKA

2. (1) There shall be established an Institute which shall be called the Institute of Fundamental Studies, Sri Lanka (hereinafter referred to as the "Institute").

Incorporation of the Institute of Fundamental Studies, Sri Lanka.

(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 in such name.

3. The aims and objects of the Institute shall be to create an interest in and to provide facilities for fundamental and advanced studies and in particular to—

Aims and objects of the Institute.

- (a) initiate, promote and conduct research and original investigations in fundamental studies in general with particular emphasis on mathematics, physics, chemistry, life science, social sciences and philosophy ;
- (b) arrange lectures, meetings, seminars and symposia in pursuance of its academic work and for the diffusion of scientific knowledge ;
- (c) invite scientists, in Sri Lanka and from abroad, actively engaged in creative work to deliver lectures and participate in its academic activities ;
- (d) establish and maintain liaison with scientific workers and scientific institutions in other countries and promote international co-operation in matters relating to the aims and objects of the Institute ;
- (e) do such other acts and things as may be necessary to promote the aims and objects of the Institute.

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Powers of
the Institute.

4. The Institute shall have such powers and rights as may be necessary to achieve its aims and objects and in particular it may—

- (a) make rules in respect of the management of the affairs of the Institute ;
- (b) institute Professorships, Memberships, Research Fellowships, and award prizes and medals, for fundamental and advanced studies ;
- (c) erect, equip and maintain libraries and laboratories, and provide other services for fundamental and advanced studies ;
- (d) take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise and subject to the rules of the Institute sell, assign, exchange or otherwise dispose of the same ;
- (e) establish a research fund for the promotion of fundamental and advanced studies ;
- (f) enter into agreements for co-operation with educational or other institutions whether in Sri Lanka or abroad having objects wholly or partly similar to those of the Institute, for the exchange of personnel and students and generally for such purposes as may be conducive to their common objects ;
- (g) make appointments to the staff of the Institute ; and
- (h) do all such other acts or things as in the opinion of the Institute are necessary to facilitate the attainment of its aims and objects and the carrying out of its functions.

PART II

AUTHORITIES OF THE INSTITUTE

Authorities
of the
Institute.

5. The Authorities of the Institute shall be the Board of Governors and the Academic Council.

Board of
Governors.

6. (1) The Institute shall be administered by a Board of Governors, (hereinafter referred to as the "Board") consisting of the following members :—

- (i) the President, who shall be the Chairman of the Board ;

- (ii) the Prime Minister ;
- (iii) the Leader of the Opposition ;
- (iv) the Director of the Institute ;
- (v) the Chairman, University Grants Commission ;
- (vi) three persons elected from among its members by the Academic Council, each of whom shall hold office for three years or until he ceases to be a member of the Academic Council, whichever date is earlier ; and
- (vii) four other persons appointed by the President for a period of three years from among persons who in his opinion are specially qualified in relation to the work of the Institute.

(2) A vacancy occurring as a result of a member elected under subsection (1) (vi) vacating office by death, resignation, cessation of office as a member of the Academic Council or removal shall be filled by the Academic Council by electing a member thereof who shall hold office for the unexpired period of the term of office of his predecessor.

(3) A vacancy created by a member appointed by the President, vacating office by death, resignation or removal shall be filled by the President. Any person so appointed to fill a vacancy shall hold office for the unexpired period of the term of office of his predecessor.

(4) A member elected by the Academic Council under subsection (1) (vi) or appointed by the President under subsection (1) (vii) may, at any time, resign his office by letter addressed to the President and such resignation shall not take effect until the President intimates in writing to such member that such resignation has been accepted.

(5) Where a member elected by the Academic Council under subsection (1) (vi) or appointed by the President under subsection (1) (vii) is, by reason of illness, infirmity or absence from Sri Lanka, for a period of not less than three months, temporarily unable to perform the duties of his office, it shall be the duty of such member to inform the President in writing. The President may, having regard to the provisions of subsection (1) (vii), appoint another person to act in his place.

(6) A member appointed by the President under this section may be removed by him at any time without reasons assigned and such removal shall not be questioned in any court.

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Proceedings
of the Board.

7. (1) The Chairman or in his absence the Prime Minister or in the absence of both, the Leader of the Opposition or in the absence of all three, a member chosen by the members present at any meeting of the Board shall preside at such meeting.

(2) The Board shall meet whenever it considers necessary.

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

(4) Subject to the provisions of this Act the Board may make rules for the procedure in the conduct of its affairs.

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

(6) The members of the Board shall be paid such allowances and other remuneration as the President shall determine in consultation with such persons as he may consider necessary.

Secretary
to the
Institute.

8. (1) The Board shall appoint a Secretary to the Institute whose powers, functions and duties shall, subject to the provisions of this Act and the rules of the Institute, be determined by the Board.

(2) The Secretary shall be responsible for the custody of the records of the Board and the property of the Institute.

(3) The Secretary shall be *ex officio* Secretary to the Board.

(4) The Secretary shall, subject to the direction and control of the Chairman of the Board, be responsible for the general administration of the Institute and the disciplinary control of the non-academic staff.

Powers and
duties of
the Institute
vested in
the Board.

9. Subject to the provisions of this Act and the rules of the Institute, the powers and duties of the Institute shall be vested in the Board, in particular—

(a) to hold, control and administer the property and funds of the Institute ;

(b) to select a coat of arms for the Institute and to determine its forms, and to provide for the custody and to direct the use of the common seal of the Institute ;

- (c) to regulate and determine all matters concerning the Institute in accordance with this Act and the rules of the Institute ;
- (d) after consideration of the recommendations of the Academic Council—
 - (i) to institute, abolish or suspend Professorships, Memberships, Fellowships, and
 - (ii) to determine the qualifications required for appointments to such posts and to determine the emoluments payable to the holders thereof ;
- (e) to administer any funds placed at the disposal of the Institute for specific purposes ;
- (f) to receive and accept bequests, donations and grants of any property made to the Institute ;
- (g) to consider the annual report, the annual accounts and the financial estimates of the Institute, and to publish such report, accounts and estimates in the *Gazette* ;
- (h) to provide the buildings, premises, furniture and apparatus, and other material needed for carrying on the work of the Institute ; and
- (i) to enter into, carry out, vary, or cancel contracts on behalf of the Institute and to invest any moneys belonging to the Institute including any unapplied income, in any security in which, under the provisions of section 20 of the Trusts Ordinance or of any other written law, it is lawful to invest trust moneys, or, to invest any such moneys in the purchase of immovable property in Sri Lanka or vary such investments, or to place on fixed deposit in any bank, any portion of such moneys not required for immediate expenditure :

Provided that no resolution shall be passed by the Board in relation to any academic matter unless the Academic Council has first been given the opportunity of recording and transmitting to the Board its recommendations thereon.

In this section "academic matter" means any matter which is subject to the control and general direction of the Academic Council.

Academic
Council.

10. (1) The Academic Council of the Institute (hereinafter called the "Council") shall consist of the following persons:—

- (a) the Director of the Institute (*ex officio*) who shall be the Chairman;
- (b) the Associate Directors and Deputy Directors where so appointed (*ex officio*);
- (c) the Permanent Professors of the Institute;
- (d) the Permanent Members of the Institute;
- (e) two members elected from among their number by the Research Fellows of the Institute; and
- (f) not more than two representatives of each of the Universities in Sri Lanka nominated by the Board.

(2) The Council shall meet whenever necessary and at least ten times each year.

(3) Rules may be made by the Board for the procedure in the conduct of the affairs of the Council.

Powers and
functions
of Council.

11. Subject to the provisions of this Act and the rules of the Institute, the Council shall—

- (a) have control and general direction of instruction, education, research and examinations in the Institute;
- (b) elect to the Board the three members referred to in section 6 (1) (vi), and recommend at any time, if it thinks it necessary, the removal of all or any of them;
- (c) recommend to the Board the appointment of the Director, Associate Directors, Deputy Directors, Professors, Visiting Professors and Members of the Institute;
- (d) recommend to the Board the appointment of the Director whenever such office falls vacant and to recommend if it thinks it necessary, his removal;
- (e) advise the Board on all academic and related matters;
- (f) advise the Board with regard to the Departments of Studies of the Institute; and
- (g) make recommendation on all other matters where the recommendation of the Council is sought in accordance with the provisions of this Act.

PART III

DEPARTMENTS AND ACADEMIC STAFF OF THE INSTITUTE

12. The Institute shall consist of such Departments of Studies, (hereinafter referred to as "Departments") as may be determined by the Board on the advice of the Council.

Departments
of the
Institute.

13. The academic staff of each Department shall consist of the following persons:—

Academic
Staff of
Departments.

- (a) Professors;
- (b) Members; and
- (c) Research Fellows.

14. The Director may function in addition to his other duties as Professor in a Department.

Director may
function as
Professor.

15. The Director, the Professors, the Members and Research Fellows of all the Departments shall together constitute the academic staff of the Institute.

Academic
staff of the
Institute.

16. Professors shall be of two categories, namely—

Categories of
Professors.

- (a) Permanent Professors; and
- (b) Visiting Professors.

17. Members shall be of four categories and shall be appointed or admitted in the manner hereinafter provided:—

Categories
&c. of
Members.

- (a) Permanent Members who are appointed as members of the permanent academic staff of the Institute;
- (b) Visiting Members who are appointed as members of the visiting academic staff of the Institute;
- (c) Associate Members who are persons or institutions, whether in Sri Lanka or abroad, who are admitted as Associate Members of the Institute; and
- (d) Temporary Members who are persons admitted as members of the temporary academic staff of the Institute.

18. Research Fellows shall be of two categories, namely—

Categories
of Research
Fellows.

- (a) Senior Research Fellows; and
- (b) Junior Research Fellows.

PART IV

APPOINTMENT AND DISCIPLINARY CONTROL OF ACADEMIC AND
OTHER STAFF AND OTHER MATTERS

Appointment
of Director,
Associate
Directors and
Deputy
Directors.

19. (1) The first Director of the Institute shall be appointed by the President. Subsequent appointments to such post shall be made by the Board, after taking into consideration the recommendations of the Council.

(2) The Director shall be a full-time officer of the Institute. He shall be responsible for the implementation of the decisions of the Council and shall discharge such other duties as may be assigned to him by the Board.

(3) Associate Directors and Deputy Directors, if any, may be appointed by the Board, after taking into consideration the recommendations of the Council.

Appointment
of Professors,
Members,
Research
Fellows and
rules relating
to them.

20. (1) The appointment of Professors and Members shall be made by the Board after taking into consideration the recommendations of the Council.

(2) Research Fellows may be appointed by the Director in consultation with the Professor or Head of the Department concerned. All such appointments shall be reported to the Board.

(3) Rules may be made by the Board defining the privileges of the Director, Associate Directors, Deputy Directors, Professors, Members and Research Fellows of the Institute.

Board may
appoint
other staff.

21. The Board may appoint to the staff of the Institute such other officers and servants of the Institute as the Board may deem necessary.

Board to
exercise
disciplinary
control over
all staff
including
academic
staff.

22. Subject to the other provisions of this Act, the Board may—

(a) dismiss and exercise disciplinary control over the staff including the academic staff of the Institute;

(b) fix the wages or salary or other remuneration of such staff; and

(c) determine the terms and conditions of the service of such staff:

Provided, however, that no member of the academic staff may be dismissed, except by a majority of two-thirds of the votes of the members of the Board at a meeting on the ground of gross dereliction of duty or for moral turpitude or for other good and sufficient cause to be recorded in writing.

23. Rules may be made under this Act in respect of all or any of the matters referred to in sections 21 and 22.

Rules may be made governing matters referred to in sections 21 and 22.

24. (1) At the request of the Board, any officer in the public service may, with the consent of that officer and of the Secretary to the Ministry of the Minister in charge of Public Administration, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board, or with like consent be permanently appointed to such staff.

Appointment of public officers and servants of the Local Government Service or of any local authority to the staff of the Institute.

(2) The provisions of section 13(2) of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is temporarily appointed to the staff of the Institute and the provisions of section 13 (3) of that Act shall, *mutatis mutandis*, apply to and in relation to any officer in the public service who is permanently appointed to such staff.

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

(4) At the request of the Board, any officer or servant of the Local Government Service or of any local authority may, with the consent of that officer or servant and the Local Government Service Advisory Board or the local authority, as the case may be, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board, or with like consent be permanently appointed to the staff of the Institute on such terms and conditions, including those relating to pension and provident fund rights as may be agreed upon by the Board and the Commission or local authority, as the case may be.

(5) Where any officer of the public service or officer or servant of the Local Government Service or of any local authority is temporarily appointed to the staff of the Institute, he shall be subject to the same disciplinary control as any other member of such staff.

(C) The employment to the staff of the Institute of any person appointed under this section shall not be terminated except with the prior approval in writing of the President.

PART V

INSTITUTE OF FUNDAMENTAL STUDIES PROVIDENT FUND

Institute of
Fundamental
Studies
Provident
Fund.

25. The Board shall establish a fund to be called and known as the Institute of Fundamental Studies Provident Fund (hereinafter referred to as the "Provident Fund").

Rules for
regulation of
Provident
Fund.

26. The Board may make rules for the regulation, administration and management of the Provident Fund and for all matters incidental to or connected with the Provident Fund.

Contributions
to the
Provident
Fund.

27. (1) Every Professor, Member, Fellow, officer and servant employed by the Institute, shall from the date of his employment, contribute to the Provident Fund, by means of equal monthly deductions from his salary, an amount equal to ten per centum of his earnings, and the Institute shall, in addition, at the same time contribute to the Fund in respect of every contributor, a sum equal to fifteen per centum of the earnings of that contributor or such other sum as the Board may determine.

(2) The Secretary shall open and keep a general account for the Provident Fund and a separate account in respect of each contributor to that Fund. All contributions made by a contributor to the Provident Fund and all contributions made by the Institute to the Fund in respect of that contributor shall be placed to the credit of the account of that contributor in the Fund.

(3) The amount lying to the credit of the account of a contributor shall, subject to the provisions of any rule made by the Board in that behalf, accumulate at compound interest at a rate to be fixed by the Board in consultation with the Minister in charge of the subject of Finance, until the day on which that contributor ceases to be a contributor in accordance with the rules of the Institute, and the account of that contributor shall be closed on that day. Where the accumulated sum lying to the credit of a contributor is not paid within a period of three months from the date the account was closed, interest at the same rate as provided in this section shall be paid up to the last day of the month preceding that in which the full amount lying to his credit is paid :

Provided that interest accruing after the date on which his account is closed shall not be paid where the delay in the payment of such amount to such contributor was due to any fault of the contributor.

28. (1) The amount payable to any contributor as provided in section 27(3), shall, subject to the provisions of section 29, be paid to him by the Secretary.

Repayment to contributors.

(2) Where a contributor ceases to be employed by the Institute prior to the date on which he ceases to be a contributor under section 27(3) either on account of ill health or incapacity or on account of the abolition of the post in which he is employed, or voluntarily retires from the service of the Institute, the Secretary shall, subject to the provisions of section 29, pay to that contributor the full amount which has accumulated to the credit of his account in the Provident Fund at the date on which he so ceased to be employed.

(3) Where a contributor is dismissed from the service of the Institute prior to the date on which he ceases to be a contributor under section 27(3), the Secretary shall, subject to the provisions of section 29, pay to that contributor the amount contributed by him to the Provident Fund, together with the accumulated interest thereon up to the date of his dismissal.

(4) Where a contributor dies while in the service of the Institute, the Secretary shall, subject to the provisions of section 29, pay the full amount which has accumulated to the credit of the account of that contributor in the Provident Fund to the estate of the deceased contributor or to the person lawfully entitled to such amount.

29. Notwithstanding anything in the preceding provisions of this Part and without prejudice to any other right or remedy, the amount of any loss or damage sustained by the Institute, by reason of the dishonesty or negligence of a contributor at any time during the period of his employment by the Institute, shall be a first charge upon the amount lying to the credit of the account of that contributor in the Provident Fund; and such amount may be deducted at the time any payment is made in accordance with the provisions of section 28.

Deductions from Provident Fund first charge.

Widows' and Orphans' Pension Fund in addition to or as alternate to the Provident Fund.

30. The Board may, in consultation with the Minister in charge of the subject of Finance, establish a pension scheme and a Widows' and Orphans' Pension Fund as an alternative, or in addition, to the Provident Fund established under this Part. Rules may be made by the Board for the regulation, administration and management of such pension scheme and such Widows' and Orphans' Pension Fund.

Delegation of powers of Secretary to another officer.

31. The powers and duties of the Secretary under this Part may be delegated to an officer of the Institute with the consent of the Board.

PART VI

FINANCE

Government grant.

32. The Government may donate to the Institute annually a grant adequate for the purpose of carrying out the aims and objects of the Institute.

Institute entitled to receive grants from any source.

33. The Institute shall be entitled to receive grants from any source, whether in Sri Lanka or abroad, and to negotiate direct for such grants with any individual, institution or body of persons whether incorporate or not for the purpose of carrying out its aims and objects.

Fund of the Institute.

34. (1) The Institute shall have its own Fund.

(2) There shall be paid into the Fund of the Institute—

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

(b) all sums of money received by the Institute in the exercise, discharge and performance of its powers, functions and duties; and

(c) any gifts or donations of money:

Provided, however, that any income derived from grants made for specific purposes or from endowments for specific objects, shall be separately accounted for in the accounts of the Institute and no payment shall be made from such income for the general purposes of the Institute or for any purposes or objects other than those for which such grants or endowments were respectively made:

Provided also that funds voted by Parliament specifically for research may be put into a separate "Research Fund".

(3) There shall be paid out of the Fund of the Institute all sums of money required to defray any expenditure incurred by the Institute in the exercise, discharge and performance of its powers, functions and duties and all such sums of money required to be paid out of such Fund by or under this Act.

35. (1) The Institute shall be exempt from the payment of any rates imposed by any local authority.

Exemption
from rates
and taxes.

(2) The Minister may, in consultation with the Minister in charge of the subject of Finance, exempt the Institute from the payment of any customs duty on any goods imported by the Institute if the import of such goods is considered to be conducive for the advancement of the aims and objects of the Institute.

(3) All personal goods up to such value as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance and all professional equipment, books and other scientific equipment imported by a Professor, Member or Fellow of the Institute, not being a citizen of Sri Lanka shall be exempt from the payment of customs duty.

(4) The provisions of this section shall have effect notwithstanding anything to the contrary in any other written law.

36. (1) The Board shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Institute.

Accounts
of the
Institute.

(2) The Board shall cause its books to be balanced as on the thirty-first day of December in each year and shall before the thirty-first day of March next, cause to be prepared an income and expenditure account and a balance sheet containing a summary of the assets and liabilities of the Institute made up to the first-mentioned date.

(3) The income and expenditure account and the balance sheet shall be signed by the Chairman of the Board and by such other officers of the Institute as may be authorized by the Board in that behalf.

(4) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Institute.

PART VII

GENERAL

Distinctions
of sex, race,
creed,
nationality
or religion,
prohibited.

37. The Institute shall be open to all persons of either sex, of whatever race, creed or nationality and no test of religious belief or profession shall be adopted or imposed in order to entitle any person to be admitted as a Director, Professor, Member or Research Fellow of the Institute or to hold any appointment therein or to hold, enjoy or exercise any advantage or privilege therein.

Indemnity
for acts in
good faith.

38. (1) No suit or prosecution shall be instituted against any member of the Board or against any officer, servant or agent of the Institute appointed for the purposes of this Act for any act which is in good faith done or purported to be done by such person under this Act or on the direction of the Board.

(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 funds of the Institute, and any costs paid to, or recovered by, the Institute in any such suit or prosecution shall be credited to the funds of the Institute.

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

No writ to
issue against
person or
property of a
member of
the Institute.

39. No writ against person or property shall be issued against any member of the Board or member of the academic staff or any officer or servant of the Institute in any action brought against the Institute.

Officers and
servants of
the Institute
deemed to be
public
servants
under the
Penal Code.

40. All officers and servants of the Institute shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

41. 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.

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

42. The Board may, on behalf of the Institute, make rules for all matters in respect of which rules are required or authorized by this Act to be made.

Power to make rules.

43. Notwithstanding the preceding provisions of this Act during the first five years reckoned from the appointed date the Board may—

Transitory provisions.

- (a) act notwithstanding that the Council may not have been constituted ;
- (b) act without consulting such Council and without considering its advice or recommendations on matters where such prior consultation or consideration is required under the other provisions of this Act ;
- (c) act for and on behalf of the Council.

44. In this Act unless the context otherwise requires—

Interpretation.

“earnings” has the same meaning as in the Employees’ Provident Fund Act, No. 15 of 1958 ;

“fundamental” and “advanced” studies include experimental investigations ;

“Leader of the Opposition” means the Leader of the Opposition in the Parliament of the Democratic Socialist Republic of Sri Lanka ;

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

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“officer” includes Director, Deputy Director, Secretary, Librarian and any other person recognized as an officer by the Board, but does not include an Associate Director ;

“President” means the President of the Democratic Socialist Republic of Sri Lanka ;

“Prime Minister” means the Prime Minister of the Democratic Socialist Republic of Sri Lanka ;

“University” means a University within the meaning of the Universities Act, No. 16 of 1978, but does not include a University College.