

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

NATIONAL INSTITUTE OF LANGUAGE

EDUCATION AND TRAINING

ACT, No. 26 OF 2007

[Certified on 13th July, 2007]

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National Institute of Language Education and 1

Training Act, No. 26 of 2007

[Certified on 13th July 2007]

L.D.—O. 20/2006.

ANACT TO PROVIDE FORTHE ESTABLISHMENT OF THENATIONALINSTITUTE

OF LANGUAGE EDUCATION AND TRAINING ; AND FOR MATTERS

CONNECTED THEREWITH OR INCIDENTALTHERETO

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows :—

1. This Act may be cited as the National Institute of Short title.

Language Education and Training Act, No. 26 of 2007.

PART I

NATIONAL INSTITUTE OF LANGUAGE EDUCATIONANDTRAINING

2. There shall be established an Institute to be called the Establishment of

National Institute of Language Education and Training National Institute

of Language

(hereinafter referred to as “the Institute”). The Institute shall

Education and

by the name assigned to it by this section, be a body corporate Training.

with perpetual succession and a common seal and may sue

and be sued in such name.

3. (1) The administration and management of the affairs Board of

of the Institute shall be vested in a Board of Management Management.

(hereinafter referred to as “the Board”) consisting of such

members as hereinafter provided.

(2) The Board shall consist of—

(a) the following ex-officio members appointed by

the Minister :—

(i) the person for the time being holding the

office of Secretary to the Ministry of the

Minister in charge of the subject of

Education ;

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(ii) the person for the time being holding the

office of Secretary to the Ministry of the

Minister in charge of the subject of Public

Administration ;

(iii) the person for the time being holding the

office of Secretary to the Ministry of the

Minister in charge of the subject of

Finance ; and

(iv) the person for the time being holding the

office of Secretary to the Ministry of the

Minister in charge of the subject of

Constitutional Affairs and National

Integration ; and

(b) five other members appointed by the Minister

from among persons who have had experience

and have shown capacity in the fields of

languages, literature and education and

management.

(3) The Minister shall appoint a Chairman of the Board

from among the members of the Board.

(4) The provisions of the Schedule to this Act shall apply

in relation to the appointment and terms of office of members

of the Board, the remuneration payable to such members, the

meetings of the Board and the Seal of the Institute.

Objects of the 4. The objects for which the Institute is established shall

Institute. be to serve as an Institute that shall generate—

(a) competent teachers to teach Sinhala, Tamil and

English to those who are desirous of acquiring such

knowledge ;

(b) competent translators and interpreters in the Sinhala,

Tamil, and English languages who shall constitute

the National Translators Service and the National

Interpreters Service to be established by written law;

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(c) qualified trainers to train language teachers,

translators and interpreters in the Sinhala, Tamil and

English Languages ;

(d) trained persons with trilingual capabilities for the

efficient provision of services to the public.

5. The functions of the Institute shall be— The functions of

the Institute.

(a) to provide extensive training in the Sinhala, Tamil

and English languages so as to make available

persons competent to teach Sinhala, Tamil and

English to persons who are desirous of acquiring

such knowledge ;

(b) to conduct research and studies on issues relating to

language training, with a view to utilizing the results

of such research and studies for the effective

functioning of the Institute ;

(c) to provide training and education to suitable persons

in languages and to award certificates and diplomas

to successful candidates on completion of such

training and education ;

(d) to build up a body of trained personnel equipped to

undertake the teaching of languages ;

(e) to establish a repository of information on matters

relating to languages ;

(f) to conduct specified language courses in Sinhala,

Tamil and English languages for special categories

of person such as interpreters, translators and

stenographers ; and

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(g) to undertake, assist, and promote linguistic research

activities in Sinhala, Tamil and English languages

and foreign languages and where it appears to be

necessary make recommendation to the relevant

authorities on the improvements and changes to be

made to the Sinhala, Tamil and English languages.

Powers of the 6. For the purpose of effectively discharging its

Institute. functions, the Institute shall have the power-—

(a) to accept and receive grants, donations, gifts,

bequests both movable and immovable, from

domestic and foreign sources, and to apply them to

the promotion of its aims and objects ;

(b) to acquire and hold property, movable or immovable,

which may vest in it by virtue of any purchase, grant,

gift, testamentary disposition or otherwise and

subject to the rules of the Institute, to sell, assign,

exchange or otherwise dispose of the same ;

(c) to enter into agreements for co-operation with

educational and other institutions, whether in Sri

Lanka or abroad, having objects wholly or partly

similar to those of the Institute, for the exchange of

personnel, advisory services, research, the training

of personnel or generally, for such purposes as may

be conducive to the objects of the Institute ;

(d) to open and maintain current, savings or deposit

accounts in any bank or banks ;

(e) to enter into all such contracts as may be necessary

for the discharge of its functions ;

(f) to invest its funds in such securities as may be

approved by the Board ;

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(g) to collect, print and publish reports, periodicals and

papers on subjects falling within the purview of the

Institute ;

(h) to conduct lectures, seminars and workshops on

subjects relevant to the discharge of the functions

of the Institute ;

(i) to make rules in respect of the management of the

affairs of the Institute ;

(j) to raise or borrow money for the purpose of the

Institute on any security or otherwise and to secure

or discharge any debt or obligation of the Institute

in such manner as the Board deems fit;

(k) to establish a library of relevant publications and

research reports of all areas coming within the

purview of the Institute ;

(l) to call for applications and select persons eligible

to undergo training at the Institute ;

(m) to maintain association with institutions having

similar objects in other countries and to develop

working relationships ; and

(n) to do such other acts and things as may be necessary

to promote the objects of the Institute.

7. There shall be an Academic Board of the Institute Academic Board.

(hereinafter referred to as the “Academic Board”) which shall

consist of the following persons :—

(i) the Chairman of the Institute ;

(ii) the Director-General of the Institute ;

(iii) the Commissioner of the Department of Official

Languages ;

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(iv) six Department Heads appointed by the Board in

consultation with the University Grants Commission,

from among the Department Heads of the Sinhala,

Tamil and English Departments and the Linguistic

Departments of all Universities established under

the Universities Act, No. 16 of 1978.

Powers of the 8. (1) The Academic Board shall be responsible to the

Academic Board. Institute and shall have the power to —

(a) advise the Institute subject to the provisions of this

Act, on such matters as may relate to the academic

activities of the Institute ;

(b) conduct examinations in accordance with the

rules of the Institute and recommend to the Board,

persons who having passed such examinations and

satisfied such other conditions as the Institute may

prescribe, are eligible for the award of diplomas,

certificates and other academic distinctions of the

Institute ;

(c) consider the report on any matter referred to it by

the Board ;

(d) make and forward recommendations and reports to

the Board on all matters connected with the courses

for study, training programmes and examinations

conducted by the Institute ;

(e) recommend to the Board requirements that shall be

imposed for admission of students to courses of study

or training programmes and examinations

conducted by the Institute ;

(f) make rules relating to courses of study, training

programmes and examinations conducted by the

Institute and submit such rules to the Board ;

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(g) recommend to the Board, names of persons suitable

for appointment as examiners at examinations

conducted by the Institute ;

(h) recommend to the Board rules, schemes of

recruitment and procedures relating to the

appointment, dismissal and disciplinary control of

the academic staff of the Institute, their wages,

remuneration, allowances and fees and their hours

of work, holidays and leave ;

(i) recommend to the Board, conditions that shall be

applicable to the awarding of scholarships,

exhibitions, bursaries, medals and prizes awarded

by the Institute ;

(j) recommend to the Board, persons who have satisfied

the conditions approved by the Board for the

scholarships, exhibitions, bursaries, medals and

prizes ;

(k) appoint, with the approval of the Board, committees

comprising the representatives of the Academic

Board ; and

(l) make rules relating to the meetings of the Academic

Board and for the regulation of the procedure to be

followed at such meetings.

(2) The Board or any officer to whom powers in respect of

any academic matter referred to in subsection (1) has been

delegated shall not take any decision on that matter without

the prior recommendation of the Academic Board being

obtained. Where the decision of the Board or such officer is

contrary to the recommendation of the Academic Board, the

Board or such officer shall adduce reasons for not adhering

to the recommendation of the Academic Board.

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(3) No act, recommendation or report of the Academic

Board shall be invalidated by reason only of the existence of

a vacancy among its member or any defect in the appointment

of any member thereof.

PART II

STAFFOF THE INSTITUTE

Director-General 9. (1) The Minister shall, in consultation with the Board,

of the Institute. appoint a Director-General of the Institute from among persons

who have gained eminence in the field of Management.

(2) Director-General shall be the chief executive officer

of the Institute.

(3) The Director-General shall, subject to the directions

of the Board:—

(a) establish a network with local and international

stakeholders;

(b) be responsible for the administration of the affairs

of the Institute;

(c) be responsible for the appointment and disciplinary

control of the staff of the Institute;

(d) be the Secretary to the Board;

(e) be responsible for the implementation of the

decisions of the Board; and

(f) discharge such other functions as may be assigned

by the Board.

(4) The Director-General shall be entitled to be present

and express his views at any meetings of the Board, but shall

not be entitled to vote at such meetings.

Appointment & c. 10. The Institute shall, subject to the provisions of this

of the staff Act, have the power to —

of the

Institute.

(a) appoint such staff as it considers necessary for the

discharge of its functions, and exercise disciplinary

control over such staff;

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(b) fix the rates at which member of the staff shall be

remunerated; and

(c) determine the terms and conditions of service of the

staff of the Institute.

11. (1) At the request of the Board any officer in the Appointment of

public service may, with the consent of that officer and of the public officers to

the staff of the

Secretary to the relevant Ministry or Ministries, be Institute.

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.

(2) Where any officer in the public service is temporarily

appointed to the staff of the Institute, the provisions of

subsection (2) section 14 of the National Trasport Commission

Act, No. 37 of 1991 shall mutatis mutandis, apply to, and in

relation to him.

(3) Where any officer in the public service is permanently

appointed to the staff of the Institute, the provisions of

subsection (3) of section 14 of the National Transport

Commission Act, No. 37 of 1991 shall, mutatis mutandis,

apply to, and in relation to, him.

(4) Where the Institute employs any person who has

entered into a contract with the Government to serve the

Government for a specified period, any period of service to

the Institute by such person shall be regarded as service to

the Government, for the purpose of discharging the

obligations of such contract.

(5) At the request of the Board any officer or servant of

any Higher Educational Institution may with the consent of

such officer or servant 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

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determined by the Board or with like consent be permanently

appointed to such staff, on such conditions, including those

relating to pension and provident fund rights, as may be

agreed upon by the Board and such principal executive

officer.

(6) Where any officer or servant of any Higher Educational

Institution 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.

(7) In this section, the expressions “Higher Education

Institution” and “principal executive officer” shall have the

respective meanings assigned to them by the Universities

Act, No. 16 of 1978.

PART III

FINANCE

Fund of the 12. (1) The Institute shall have its own Fund.

Institute.

(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 such sums of money as may be received by the

Institute in the exercise, and discharge of its powers

and functions;

(c) all such sums of money as may be received by the

Institute by way of donations, gifts and grants from

any source in Sri Lanka or abroad; and

(d) all such sums of money as may be received as the

income derived from the investment of its funds.

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(3) There shall be paid out of the Fund of the Institute all

such sums of money as may be required to defray any

expenditure incurred by the Institute in the exercise and

discharge of its powers and functions under this Act, and any

other expenditure which is authorized or required to be paid

out of the Fund of the Institute by any provision of this Act.

13. (1) The financial year of the Institute shall be the Financial year and

the audit of the

calendar year.

accounts of the

Institute.

(2) 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.

(3) 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 IV

GENERAL

14. (1) The Board may delegate to the Chairman of the Delegation of

powers of the

Board any of its power, duties or functions other than its

Board to the

powers under this subsection. Chairman of the

Board.

(2) The Chairman of the Board to whom any power, duty

or function has been delegated under subsection (1) shall

exercise, perform and discharge such power, duty or function

subject to the directions of the Board.

15. (1) There shall be an Advisory Council (hereinafter Advisory Council.

referred to as the “Council”) which shall advise the Institute

on the effectiveness of the measures taken for the

promotion of the Institute and provide a forum to discuss

issues relating to the Institute and the development of the

Institute.

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(2) The Council shall consist of five persons appointed

by the Minister in charge of the subject of National Integration

from among persons who are engaged in the field of languages,

literature and education and have achieved eminence in such

fields.

Power of the 16. The Board may appoint such number of standing

Board to appoint

committees or ad hoc committees as it may deem necessary

standing

committees or ad for the exercise, performance and discharge of the powers,

hoc committees. functions and duties of the Institute.

Directions to the 17. The Minister in charge of the subject of National

Board. Integration may, in consultation with the Board, from time to

time, issue such general or special directions in writing to the

Board as to the exercise and discharge by the Board of its

powers and functions in so far as they relate to matters of

policy and it shall be the duty of the Board to give effect to

all such directions.

Members, officers 18. All members of the Board and officers and servants

and servants of of the Institute shall be deemed to be public officers within

the Board deemed

to be public the meaning, and for the purposes, of the Penal Code.

officers.

Institute deemed 19. The Institute shall be deemed to be a Scheduled

to be a Scheduled

Institution within the meaning of the Bribery Act and the

Institution within

the meaning of provisions of that Act shall be construed accordingly.

the Bribery Act.

Declaration of 20. (1) Every member of the Board and all officers and

secretary.

servants of the Institute shall, before entering upon his duties

sign a declaration pledging himself to observe secrecy

respecting all matters connected with the working of the

Institute, and shall by such declaration pledge himself not to

reveal any matter which may come to his knowledge in the

discharge of his functions, except—

(a) when required to do so by a court of law; and

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(b) in order to comply with any provisions of this Act.

(2) A member of the Board or officer or servant of the

Institute who discloses any information obtained by him in

connection with the discharge of his functions under this

Act, to any person for any purpose other than for a purpose

authorized by subsection (1), shall be guilty of an offence

under this Act and shall on conviction after summary trial by

a Magistrate be liable to a fine not exceeding ten thousand

rupees.

21. (1) The Minister may make regulations in respect Regulations.

of all matters which are required by this Act to be prescribed

or in respect of which regulations are required or authorized

to be made under this Act.

(2) Every regulation made by the Minister shall be

published in the Gazette and shall come into operation on

the date of publication or on such later date, as may be

specified in the regulation.

(3) Every regulation made by the Minister shall, as soon

as convenient after its publication in the Gazette, be brought

before Parliament for approval.

(4) any regulation which is not so approved shall be

deemed to be rescinded as from the date of disapproval but

without prejudice to anything previously done thereunder.

(5) The notification of the date on which any regulation

is deemed to be so rescinded shall be published in the Gazette.

22. (1) Where any immovable property of the State is State property

required for any purpose of the Institute, such purpose shall both movable and

immovable be

be deemed to be a purpose for which a special grant or lease

made available to

of such property may be made under section 6 of the State the Institute.

Lands Ordinance, and accordingly, the provisions of that

Ordinance shall apply to a special grant or lease of such

property to the Institute.

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(2) Where any movable property of the State is required

for the purpose of the Institute, the Minister who has authority

and control over such property may, by Order published in

the Gazette, transfer to and vest in the Institute the possession

and use of such movable property.

Annual report. 23. The Board shall at the end of each financial year

publish a Report of the activities of the Institute during the

year and it shall be submitted to the Minister for approval.

On being approved by the Minister such Report shall be laid

before Parliament.

Sinhala text to 24. In the event of any inconsistency between the

prevail in case of Sinhala and Tamil texts of this Act, the Sinhala text shall

any inconsistency.

prevail.

Interpretation. 25. In this Act, unless the context otherwise requires—

“local authority” means any Municipal Council,

Urban Council or Pradeshiya Sabha and

includes any Authority created and established

by or under any written law to exercise, perform

and discharge powers, duties and functions

corresponding to, or similar to, the powers,

duties and functions exercised performed and

discharged by any such Council or Sabha;

“Provincial Council” means a Provincial Council

established by Chapter XVIIA of the

Constitution ; and

“University Grants Commission” means the

University Grants Commission established

under the Universities Act, No. 16 of 1978.

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SCHEDULE (Section 3)

PROVISIONS RELATING TO THEMEMBERSOFTHEBOARD

1. A person shall be disqualified from being appointed or continuing

as a member of the Board—

(a) if he is, or becomes, a member of Parliament, any Provincial

Council or any local authority;

(b) if he is not, or ceases to be a citizen of Sri Lanka;

(c) if he is under any law in force in Sri Lanka or in any other

country, found or declared to be of unsound mind;

(d) if he is serving or has served, a sentence of imprisonment

imposed by any court in Sri Lanka or any other country; or

(e) if he had been dealt with under the provisions of section 303

or section 306 of the Code of Criminal Procedure Act, No.

15 of 1979.

2. Every member of the Board shall, unless he vacates office earlier

by death, resignation or removal, hold office for a term of three years

from the date of his appointment and shall unless he has been removed

from office, be eligible for re-appointment:

Provided, that a member appointed in place of a member who had

vacated office by death, resignation or removal, shall hold office for

the unexpired part of the term of office of the member whom he

succeeds.

3. The Minister may, by Order published in the Gazette, and for

reasons assigned, remove any member of the Board from office. A

member in respect of whom an Order is made under this paragraph

shall be deemed to have vacated office on the date of publication of

such Order in the Gazette.

4. A member of the Board may at any time resign from office by

letter to that effect addressed to the Minister and such resignation shall

take effect upon it being accepted by the Minister in writing.

5. In the event of the vacation of office by death, resignation or

removal by any member of the Board, the Minister may, having regard

to the provisions of subsection (2) of section 3 appoint any other

person in place of such member. Any person so appointed in place of

such member, shall hold office during the unexpired part of the term of

office of the member whom he succeeds.

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6. Where a member of the Board by reason of illness, infirmity or

absence from Sri Lanka for a period not less than three months, is

temporarily unable to perform his duties it shall be the duty of such

member to inform the Minister in writing of such inability. Thereupon,

the Minister may having regard to the provisions of subsection (2) of

section 3 appoint some other person to act in his place during such

period.

7. The members of the Board may be paid such remuneration out

of the Fund of the Institute as the Minister may, with the concurrence of

the Minister in charge of the subject of Finance, determine.

8. (1) The Chairman of the Board shall, if present, preside at every

meeting of the Board. In the absence of the Chairman from any such

meeting, the members present shall elect one of the members present,

to preside at such meeting.

(2) The quorum for any meeting of the Board shall be three

members.

(3) The person presiding at any meeting of the Board shall, in

addition to his own vote, have a casting vote.

(4) Subject to the provisions of this paragraph, the Board may

regulate the procedure in regard to the meetings of the Board and the

transaction of business at such meetings.

9. No act, decision or proceeding of the Board shall be deemed to

be invalid by reason only of the existence of any vacancy in the Board

or any defect in the appointment of any member thereof.

10. (1) The Seal of the Institute may be determined and devised by

the Board and may be altered in such manner as may be determined by

the Board.

(2) The Seal of the Institute shall be in the custody of such person

as the Board may decide, from time to time.

(3) The Seal of the Institute shall not be affixed to any instrument

or document except with the sanction of the Board and in the presence

of the Direction-General of the Institute and one member of the Board

who shall sign the instrument or document in token of their presence.

(4) The Board shall maintain a register of the instruments and

documents to which the Seal of the Institute has been affixed.

11. (1) If the Chairman is, by reason of illness or absence from

Sri Lanka temporarily unable to perform the duties of his office, the

Minister may appoint another member of the Board to act in his place.

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(2) The Minister may, for reasons assigned and by Order published

in the Gazette, remove the Chairman from the office of Chairman.

(3) The Chairman may at any time resign from the office of

Chairman by a letter addressed to the Minister. Such resignation shall

take effect upon it being accepted by the Minister in writing.

(4) Subject to the provisions of paragraphs (2) and (3), the term of

office of the Chairman shall be his period of membership of the Board.

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