

PARLIAMENT OF THE DEMOCRATIC

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SRI LANKA

BUDDHASRAVAKA BHIKKU UNIVERSITY

(AMENDMENT) ACT, No. 15 OF 2012

[Certified on 11th July, 2012]

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Buddhasravaka Bhikku University (Amendment) 1

Act, No 15 of 2012

[ Certified on 11th July, 2012]

L.D.—O. 52/2006.

ANACT TO AMEND THE BUDDHASRAVAKA BHIKKU UNIVERSITY ACT,

NO. 26 OF 1996

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows:—

1. This Act may be cited as the Buddhasravaka Bhikku Short title.

University (Amendement) Act, No. 15 of 2012.

2. (1) In the Buddhasravaka Bhikku University Act, No. General

26 of 1996 (hereinafter referred to as the "principal amendment to the

Buddhasravaka

enactment") and in any other written law, there shall be Bhikku University

substituted for the words " Buddhasravaka Bhikku Act, No. 26 of

1996.

University" the words "Bhikku University of Sri Lanka".

(2) Every reference to the "Buddhasravaka Bhikku

University" in any regulation, rule, notice, notification,

contract, communication or other document shall be read

and construed as a reference respctively, to the "Bhikku

University of Sri Lanka".

3. Section 4 of the principal enactment is hereby Amendment of

section 4 of the

amended as follows:—

principal

enactment.

(1) by the deletion of the word "and" in

paragraph (q);

(2) by the re-numbering of paragraph (r) as

paragraph (t); and

(3) by the addition immediately after paragraph (q)

thereof, of the following new paragraphs:–

"(r) to conduct post-graduate courses for clergy

students which are consistent with the

objects of the University;

2—PL 005804— 4,090 (06/2012)

2 Buddhasravaka Bhikku University (Amendment)

Act, No 15 of 2012

(s) to estabish local and foreign affiliated institutions

as required by the University, and".

Amendment of 4. Section 5 of the principal enactment is hereby

section 5 of the amended by the repeal of subsection (2) of that section and

principal

the substitution therefor of the following:–

enactment.

"(2) In the event of any Maha Nayaka Thera or Chief

Maha Nayaka Thera of any Nikaya referred to in subsection

(1) declining to accept the appointment as Maha

Mahopadyaya of the University the Minister in consultation

with such Maha Nayaka Thera or Uththarithara Sabhawa, as

the case may be, may make recommendation to the President

to appoint another suitable Nayaka Thera of such Nikaya to

be the Maha Mahopadyaya of the University.".

Amendment of 5. Section 6 of the principal enactment is hereby

section 6 of the amended by the insertion immediately after paraghaph (ii)

principal

enactment. thereof, of the following new paragraph:–

"(iia) Dean of each Faculty;"

Amendment of 6. Section 7 of the principal enactment is hereby

section 7 of the

amended as follows:–

principal

enactment.

(1) in subsection (1) of that section–

(a) in paragraph (a) thereof, by the substitution

for the word "Minister" of the word

"President";

(b) in paragraph (b) thereof, by the substitution

for the words "post-graduate degree in

Buddhist Studies from a recognized

University." of the words "post-graduate

degree in Buddhist Studies or in any other

subject connected thereto from a recognized,

University on a research done within a

period of not less than two years and having

ten years experience in the field of teaching.

Buddhasravaka Bhikku University (Amendment) 3

Act, No 15 of 2012

In addition he shall be required to possess a

good knowledge of oriental languages.";

(2) in subsection (2) of that section–

(a) in paragraph (iii) thereof, by the

substitution for the word "Minister," of the

words "President through the Minister,";

(b) in paragraph (iv) thereof by the

substitution for the word "Minister" of the

word "President";

(c) by the addition immediately after

paragraph (v) thereof, of the following new

paragraph:–

(vi) Notwithstanding anything to the

contrary in any other provision of

this Act, the term of office of the

Mahopadyaya of the University,

who last held office on the day

immediately preceding the date of

coming into operation of this

section, shall continue for a further

period of three years from the date

of coming into operation of this

section.;

(3) by the repeal of subsections (3) of that section

and the substitution therefor of the following:–

"(3) (a) If there is sufficient proof that the

Mahopadyaya has acted in a manner detrimental

to the interests of the University, the President

shall, on a resolution passed by not less than

two-thirds of the total membership of the

Uththaraithara Sabhawa at a special meeting

convened for the purpose, require the Minister

to take necessary steps to ensure the removal of

the Mahopadyaya from office.

(b) The Mahopadyaya shall be the Accounting

Officer of the University, who shall comply with

4 Buddhasravaka Bhikku University (Amendment)

Act, No 15 of 2012

any determination or regulation or directive of

the Council of the University relating to the

control of finances and properties of the

University. The Mahopadyaya shall exercise,

perform and discharge such powers, duties and

functions as may be conferred on him by this

Act or by any regulation or rule made under

this Act.";

(4) (a) by the deletion of the first paragraph of subsection

(4) of that section;

(b) by the renumbering of the second paragraph of

subsection (4) of that section as subsection (4)

thereof.

Amendment of 7. Section 8 of the principal enactment is hereby amended

section 8 of the

principal as follows:–

enactment.

(1) by the repeal of subsection (1) of that section,

and the substitution therefor, of the following:–

"(1) The first Registrar of the University

shall be appointed by the Minister for a period

of three years. The Council shall on the

recommendation of a selecting committee,

appoint every subsequent Registrar for a

period of five years, which may be renewed.

Where an officer in the public service shall be

appointed as the Registrar of the University

the concurrence of the Secretary to the

Ministry of the Minister in charge of the

subject of Public Administration and the

relevant officer shall be obtained.";

(2) by the repeal of subsection (3) of that section

and the substitution therefor of the

following:–

"(3) The Registrar shall be the

Assistant Accounting Officer of the

University.";

Buddhasravaka Bhikku University (Amendment) 5

Act, No 15 of 2012

(3) by the addition immediately after

subsection (5) of that section of the

following new subsection:–

"(6) The Registrar shall be responsible

to the Council for the safe custody of the

records and properties of the University.".:

8. Section 9 of the principal enactment is hereby Amendment

of section 9

amended in subsection (2) by the substitution for the words

of the

"finances of the University and maintenance of its accounts" principal

of the words "Finances of the University under the supervision enactment.

of the Registrar and for the maintenance of its accounts".

9. Section 11 of the principal enactment is hereby Amendment

of section 11

amended as follows:–

of the

principal

(1) by the substitution for the words "the Senate." of enactment.

the words "the Senate;";

(2) by the addition immediately after paragraph (iii)

thereof, of the following new paragraph:–

"(iv) a Board of the Faculty or Boards of the

Faculty.".

10. Section 14 of the principal enactment is hereby Amendment

of section 14

amended as follows:–

of the

principal

(1) by the repeal of subsection (1) of that section enactment.

and the substitution therefor, of the following:–

"(1) The Council of the University

(hereinafter referred to as the "Council") shall

be the executive and governing body of the

University and shall consist of the following:–

(a) ex-officio members–

6 Buddhasravaka Bhikku University (Amendment)

Act, No 15 of 2012

(i) the Mahopadyaya;

(ii) the Dean of each Faculty;

(iii) two members of the academic staff

of the University elected from and

among the members of the Senate;

(iv) the Secretary to the Ministry of the

Minister in charge of the subject of

Buddha Sasana, or his nominee.

(v) the Secretary to the Ministry of the

Minister in charge of the subject of

Higher Education, or his nomine; and

(vi) the Secretary to the Ministry of the

Minister in charge of the subject of

Finance or his nominee.

(b) appointed members appointed by the

Minister–

(i) five learned Bhikkus who have

rendered distinguished service to the

Buddha Sasana; and

(ii) three lay Buddhists who have

rendered distinguished service to the

Buddha Sasana, and who have

experience in the fields of Financ,

Law and Administration."; and

(2) by the addition immediately after subsection

(9) thereof, of the following new subsection: –

"(10) Notwithstanding anything in this Act,

Buddhasravaka Bhikku University (Amendment) 7

Act, No 15 of 2012

the appointed members of the Council

who held office on the day immediately

preceding the date of coming into

operation of this section, shall continue

to hold such office for the unexpired

period from the date of coming into

operation of this section.".

11. Section 15 of the principal enactment is hereby Amendment

of section 15

amended in subsection (2) as follows:–

of the

principal

(a) by the repeal of parapraph (xii) of that subsection

enactment.

and the substitution therefor of the following

paragraph:–

"(xii) to appoint a Bhikku Students Council

which shall include representatives of

the Bhikku Students for the promotion

of the general well-being of the Bhikku

Students of the University. The

composition, powers, duties and

function of such Council shall be

prescribed by Ordinance;";

(b) by the addition immediately after paragraph

(xiv) of that subsection, of the following new

paragraphs:–

"(xv) to formulate the scheme of

recruitment and appointing

procedure to be applied to the staff of

the University to be on par with the

schemes of recruitment and

appointing procedures adopted in

other Universities established under

the Universities Act, No. 16 of 1978,

8 Buddhasravaka Bhikku University (Amendment)

Act, No 15 of 2012

and to determine, from time to time,

the various grades of the staff and the

cadres of each grade;

(xvi) to determine, from time to time, the

remuneration to be paid to various

grades of the staff of the University

and other benefits to be granted to

such staff on the basis of the overall

salaries and remuneration principles

of other Universities established

under the Universities Act, No. 16 of

1978 and in consultation with the

Minister in charged of the subject of

Finance;";

(c) by the re-numbering of paragraphs (xv) and

(xvi) as paragraphs (xvii) and (xviii).

Amendment of 12. Section 16 of the principal enactment is hereby

section 16 of amended as follows:–

the principal

enactment.

(1) by the repeal of subsection (2) of that section and the

substitution therefor of the following subsection:–

"(2) The Senate of the University shall consist of

the following persons:–

(i) Mahopadyaya;

(ii) the Dean of each Faculty of the University;

(iii) the Head of each Department of Study;

(vi) the Librarian of the University;

(v) the every permanent Professor of the

University;

Buddhasravaka Bhikku University (Amendment) 9

Act, No 15 of 2012

(vi) one person from the teachers other than those

referred to above elected by the permanent

teachers of each Faculty from and among their

number;

(vii) three teachers appointed by the Council of the

University from among male Professors,

Associate Professors and Senior Lecturers of the

Departments of Buddhists Studies or Cultural

Studies of other Universities in Sri Lanka;

(viii) three persons appointed by the Council of the

University from among learned and

distinguished laymen or members of the clergy

who are not members of the staff of any

University.";

(2) by the insertion immediately after subsection (2)

thereof of the following new subsections:–

"(2A) Every elected or appointed member shall

hold office for a period of three years from the date

of his election or appointment, as the case may be:

Provided however, any member elected or

appointed vacates office on grounds of retirement,

resignation or being absent himself from three

consecutive meetings of the Senate or otherwise,

another member shall be elected or appointed, as

the case may be, in place of such member in

compliance with the provisions of paragraphs (vi),

(vii) and (viii) of subsection (2). Further, such

member shall hold office for the unexpired term of

office of his predecessor unless he vacates office

earlier.

(2B) Notwithstanding anything in this Act, the

appointed members, holding office on the day

immediately preceding the date of coming into

operation of this section, shall cease to hold such

office on the date of coming into operation of this

section:

10 Buddhasravaka Bhikku University (Amendment)

Act, No 15 of 2012

Provided however, that the appointed members

who cease to hold such office shall be eligible for

reappointment.".

Amendment of 13. Section 17 of the principal enactment is hereby

section 17 of

amended as follows:–

the principal

enactment.

(1) in subsection (1) of that section–

(a) by the addition in paragraph (vi) thereof

immediately after the word "Council;" of the

words "after considering the reports from the

Faculty concerned;".

(b) in item (c) of paragraph (vii) thereof, by the

substitution for the words "Committee," of the

word "Committee;".

(c) by the addition immediately after sub paragraph

(c) in paragraph (vii) thereof of the following:–

"(d) to set up a Research and Publication

Committee,".

(2) by the addition immediately after subsection (1)

thereof of the following new subsection:–

"(1A) The Senate may with the approval of the

Minister, establish, from time to time, the Faculty or

Department of Studies, as the Senate deems necessary,

for the development of teaching, research and

extension programmes of the University to realize

the objects of the University.".

Insertion of new 14. The following new sections are hereby inserted

sections 18A,

18B, 18C and immediately after secftion 18 of the principal enactment and

18D of the shall have effect as sections 18A, 18B, 18C and 18D of that

principal

enactment:–

enactment.

"The Board of 18A. Every Faculty of the University

each Faculty. shall have a Board of the Faculty

Buddhasravaka Bhikku University (Amendment) 11

Act, No 15 of 2012

(hereinafter referred to as the "Board")

consisting of the following:–

(a) the Dean of the Faculty concerned;

(b) all Permanent Professors, Associate

Professors, Senior Lecturers and

Permanent Lecturers of the

Departments of Studies which

constitute the Faculty;

(c) two persons other than those referred

to in paragraphs (b) of this section

elected by the permanent academic

staff of the Faculty from and among

their numbers;

(d) two students elected by the students

of the Faculty from and among their

numbers; and

(e) three persons appointed by the Board

who excel in the fields of study

relevant to the Faculty and are not

members of the staff of the University.

Powers, duties and 18B. (1) Subject to the provisions of this

functions of the Act, the Board shall exercise, perform and

Board.

discharge the powers, duties and

functions:–

(a) to consider and report back any matter

referred to the Faculty by the Senate;

(b) to regulate subject to the control of

the Senate, all matters pertaining to

the teaching, examinations and

research activities of the Departments

of Study of the Faculty;

(c) to appoint committees which may

include non-members of the Faculty

12 Buddhasravaka Bhikku University (Amendment)

Act, No 15 of 2012

to consider and report any special

subject or subjects;

(d) to submit to the Senate

recommendations and reports on study

courses and examinations of the

Faculty; and

(e) to recommend to the Senate the

suitable persons to be appointed as

invigilators.

(2) Each Faculty shall have a Dean and

he shall be a full time officer of the

University and shall be the academic and

administrative head of the Faculty. The

Board of each Faculty shall elect the Dean

from among the Heads of Departments of

Studies, which constitute the Faculty and

he shall cease to be the Head of the

Depatrment of Studies concerned upon his

election as the Dean:

Provided that the first Dean to be

appointed on the date of commencement

of this Act shall be appointed by the

Council on the recommendation of the

Mahophadyaya.

(3)(a) The Dean shall preside at every

meeting of the Board of the

Faculty ;

(b) The members elected under

paragraph (d) of section 18A

shall be excluded from the

business of any meeting of the

Board convened for matters

pertaining to the election of a

Dean and to decisions

concerning examinations and

Buddhasravaka Bhikku University (Amendment) 13

Act, No 15 of 2012

matters incidental thereto and

such meeting shall be deemed to

be a duly convened valid

meeting irrespective of such

exclusion.

(4) The Dean, shall hold office for a

period of three years from the date of his

election and shall be eligible for re-election

unless removed earlier from office.

(5) Where the Dean is temporarily

unable to perform the duties of his office

on account of ill health, absent on leave or

any other cause for a period of not more

than three months, the Mahopadyaya shall

appoint another to act in the place of the

Dean, during such period as the Head of a

Department of Study of that Faculty.

(6) Every member elected under

paragraph (d) of section 18A shall hold

office for a period of one academic year

from the date of his election and all other

elected members shall hold office for a

period of three years from the date of

election. Every such member shall be

elegible for re-election.

The Head of a 18C. (1) The Head of a Department of

Department of Study shall be a Professor, Senior Lecturer

Study.

or a Permanent Lecturer appointed by the

Council on the recommendation of the

Mahopadyaya:

Provided however, that where a Head of

any Department of Study is not appointed

by the Council, the Mahopadyaya may

appoint a Professor, an Associate Professor,

Senior Lecturer or Permanent Lecturer to

14 Buddhasravaka Bhikku University (Amendment)

Act, No 15 of 2012

act as the Head of a Department of Study of

that Faculty for a period of one month from

the date of such appointment.

(2) The Head of a Department of Study,

subject to the provisions of any appropriate

instrument, shall hold office for a period of

three years from the date of his appointment

and shall be eligible for re-appointment

unless removed from office.

(3) Where the Head of a Department of

Study is temporarily unable to perform the

duties of his office on account of ill health,

absent on leave or any other cause for a

period not more than three months, the

Mahopadyaya shall appoint another

Professor, Associate Professor, Senior

Lecturer or a Permanent Lecturer to the

Department of Study concerned to act in

that post during such period:

Provided however, that where a Head of

any Department of Study is unable to

perform the duties of his office on account

of retirement, resignation or any other

cause, for a period more than three months,

the post of Head of the Department of

Study concerned shall be deemed vacant

and a new Head Department of Study shall

be appointed to such post in terms of

subsection (1).

Establishment of 18D. The Governing Council may, with

Faculties and the apporval of the Minister, establish,

Departments of from time to time, any Faculty or

Study.

Department of Study as the Governing

Council thinks necessary for the

development of teaching, research and

promotional programmes in order to fulfull

the objects of the University.".

Buddhasravaka Bhikku University (Amendment) 15

Act, No 15 of 2012

15. Section 23 of the principal enactment is hereby Amendment

amended in subsection (1) by the addition immediately at of section 23

of the

the end of that subsection of the words "If upon such principal

appointment, the teacher so appointed disrobes, he shall cease enactment.

to hold such office.".

16. Section 26 of the principal enactment is hereby Amendment of

amended by the substitution for the words "fifty fifth year" section 26 of

the principal

of the words "fifty-seventh year.". enactment.

17. The following new section is hereby inserted Insertion of new

immediately after section 57 of the principal enactment and section 57A to

the principal

shall have effect as section 57A of that enactment:– enactment.

"Council, Senate 57A. The Council, Senate and any other

and any other body established under this Act, in the

body to comply exercise, performance and discharge of

with rules and

their respective powers, duties and

regulations of the

University Grants functions under this Act, shall comply with

Commission. such rules and regulations as may from time

to time be made by the University Grants

Commission.".

18. Section 68 of the principal enactment is hereby Amendment

amended as follows:– of section 68

of the

(1) by the insertion immediately after the definition principal

enactment.

of the expression "the Council" of the following

definition:–

"University Grants Commission" means the

University Grants Commission established under

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

(2) in the definition of "teacher", by the substitution

for the words "a teacher; and" of the words "a

teacher.";";

(3) in the definition of "the Council", by the

substitution for the words "the University." of

the words "the University; and".

19. In the event of any inconsistancy between the Sinhala Sinhala text

to prevail in

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

inconsistancy.

16 Buddhasravaka Bhikku University (Amendment)

Act, No 15 of 2012

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