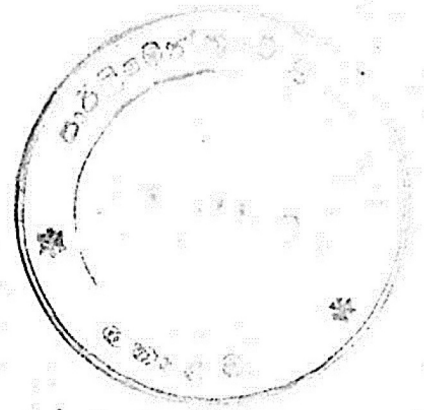




PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

PIRIVENA EDUCATION
ACT, No. 64 OF 1979

[Certified on 23rd October, 1979]

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L.D.—O. 83/78

AN ACT TO PROVIDE FOR THE REORGANIZATION OF PIRIVENA EDUCATION; FOR THE ESTABLISHMENT OF A PIRIVENA EDUCATION BOARD; FOR THE REGISTRATION, MAINTENANCE AND ADMINISTRATION OF PIRIVENAS AND FOR THE ESTABLISHMENT OF PIRIVENA TRAINING INSTITUTES AND FOR CONNECTED MATTERS.

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

1. (1) This Act may be cited as the Pirivena Education Act, No. 64 of 1979.

Short title
and date of
operation.

(2) This Act shall come into operation on such date (hereinafter referred to as the "appointed date") as the Minister may appoint by Order published in the *Gazette*.

PART I

AIMS AND OBJECTS OF PIRIVENA EDUCATION

2. The objects of Pirivena Education shall be to provide educational facilities—

Objects of
Pirivena
Education.

(a) to Bhikkus; and

(b) to male lay pupils over fourteen years of age who are desirous of following a course of studies imparted in a Pirivena and who wish to receive their education in a Buddhist environment.

3. The aims of Pirivena Education shall be—

Aims of
Pirivena
Education.

(a) to foster an interest among Bhikkus in the protection and progress of the threefold Sasane namely, Pariyatti, Patipaththi, Pativedha;

(b) to foster discipline, knowledge in the Tripitaka and devotion to Dhamma among Bhikkus in order to maintain the order of Bhikkus descending from the lineage of Sariputtra and Moggallana Maha Theras;

(c) to give a training in practical knowledge, necessary for the Dhamma dutha activities in Sri Lanka and abroad and in other services appropriate to Bhikkus; and

(d) to provide facilities for Bhikkus to acquire a thorough knowledge in various subjects and languages including Buddhist Philosophy, Buddhist Culture, Buddhist History, Sinhala, Pali and Sanskrit.

PART II

PIRIVENA EDUCATION BOARD

Pirivena
Education
Board.

4. (1) There shall be established a Board to be called the Pirivena Education Board (hereinafter referred to as the "Board") consisting of the following members:—

- (a) the Mahanayake Thera of the Malwatte Chapter of the Siam Nikaya or any other Bhikku of that Nikaya nominated by him;
- (b) the Mahanayake Thera of the Asgiriya Chapter of the Siam Nikaya or any other Bhikku of that Nikaya nominated by him;
- (c) the Mahanayake Thera of the Sri Lanka Amarapura Nikaya or any other Bhikku of that Nikaya nominated by him;
- (d) the Mahanayake Thera of the Sri Lanka Ramanya Nikaya or any other Bhikku of that Nikaya nominated by him;
- (e) the Director-General;
- (f) the Director in charge of Pirivena Education;
- (g) three Bhikkus, who have experience in Pirivena Education, nominated by the Minister; and
- (h) three laymen, who profess Buddhism and who have considerable experience in Buddhist Education and Buddhist activities, nominated by the Minister.

(2) The members of the Board shall at the first meeting of the Board elect from among its members a Bhikku to be the Chairman of the Board.

(3) The Director in charge of Pirivena Education shall be the Secretary of the Board.

(4) The Chairman shall preside at the meeting of the Board. In the absence of the Chairman at any meeting of the Board, the members of the Board shall elect from among themselves a Bhikku to preside at that meeting.

(5) A person shall be disqualified for being nominated or being a member of the Board if he—

- (a) is bankrupt or has been adjudicated an insolvent; or
- (b) has been found guilty of any criminal offence involving moral turpitude; or
- (c) is under any law for the time being in force found or declared by a court of competent jurisdiction to be of unsound mind.

(6) Every member of the Board nominated by the Minister under paragraph (g) or paragraph (h) of subsection (1) (hereinafter referred to as "nominated member") shall subject to the provisions of subsections (7), (8) and (9), hold office for a period of three years from the date of nomination and shall be eligible for renomination:

Provided, however, that a person who is nominated in place of a nominated member who resigns or dies or otherwise vacates office shall, unless he earlier resigns, dies or otherwise vacates office, hold office for the unexpired part of the term of office of the member whom he succeeds.

(7) Any nominated member may resign his office by letter in that behalf addressed to the Minister.

(8) The Minister may remove from office any nominated member without assigning any reason therefor.

(9) Any nominated member shall vacate office if he absents himself without the permission of the Chairman from three consecutive meetings of the Board.

(10) Where any member of the Board becomes by reason of illness or other infirmity or absence from Sri Lanka temporarily unable to perform the duties of his office then—

(a) if he is the Mahanayake Thera of any of the Nikayas specified in paragraphs (a) to (d) of subsection (1), a Bhikku nominated by that Mahanayake Thera or where he is unable to nominate a Bhikku, a Bhikku elected by that Nikaya;

(b) if he is a Bhikku nominated by any of the Mahanayaka Theras specified in paragraph (a) to (d) of subsection (1), any other Bhikku nominated by the respective Mahanayake Thera;

(c) if he is the Director-General or the Director in charge of Pirivena Education, another officer of the Department of Education nominated by the Minister;

and

(d) if he is a nominated member, another suitable person nominated by the Minister,

may act in his place.

(11) The members of the Board shall not be entitled to any remuneration as members of the Board:

Provided, however, that the Minister may, in consultation with the Minister in charge of the subject of Finance, pay an allowance to such members if he considers it expedient so to do.

(12) Six members of the Board shall form the quorum for any meeting of the Board :

Provided, however, that where there has been no quorum for two consecutive meetings of the Board, it shall be lawful for the Chairman to discharge any function of the Board which he considers urgent and necessary without the approval of the Board and such function shall be deemed to have been discharged with the approval of the Board.

(13) The Board shall meet at least once in every three months.

(14) The Chairman shall convene a special meeting of the Board on a written request made by not less than four members of the Board.

(15) The Board may act notwithstanding any vacancy among its members and any decision of the Board shall not be invalid by reason only of the fact that there is a vacancy in the membership of the Board.

(16) The procedure for the transaction of business of the Board shall be determined in accordance with the rules made by the Board under this Act.

Powers,
duties and
functions
of the Board.

5. (1) Subject to the provisions of this Act or any regulations made thereunder, the Board shall exercise, perform and discharge the following powers, duties and functions :—

(a) advising the Minister on all aspects of Pirivena Education ;

(b) promoting the study of and research into Pirivena Education ;

(c) inquiring into and reporting on any matter referred to the Board by the Director-General.

(2) Where the Director-General refers any matter to the Board for inquiry or report, the Director-General as a member of the Board shall not take part in any deliberations in respect of that inquiry or report.

(3) The Director-General shall be the chief executive authority of the Board.

6. (1) The Board may in accordance with rules made in that behalf appoint committees from among its members for the purpose of conducting inquiries or investigations on any matter that may come up before the Board for inquiry.

Committees
of the Board.

(2) The Board may co-opt any person or persons not being a member or members of the Board subject to the approval of the Minister, to any such committees of the Board for the purpose of any inquiry or investigation.

PART III

CLASSIFICATION OF PIRIVENAS AND ESTABLISHMENT OF PIRIVENA TRAINING INSTITUTES

7. All Pirivenas other than Pirivena Training Institutes shall be classified into the following three groups:—

Classification
of Pirivenas
other than
Pirivena
Training
Institutes.

(a) Mulika Pirivenas;

(b) Maha Pirivenas;

(c) Pirivena Vidyayathana.

8. (1) Classes from Pirivena Grade I to Pirivena Grade V shall be conducted in a Mulika Pirivena.

Mulika
Pirivena.

(2) A Mulika Pirivena shall be a residential educational institution providing classes for Bhikkus resident in the Mulika Pirivena:

Provided that male lay pupils may be allowed to attend classes in a Mulika Pirivena.

(3) In the curriculum of a Mulika Pirivena the teaching of the traditional Pirivena curriculum and the training of Bhikkus according to the vinaya rules shall be given a foremost place.

(4) The Commissioner of Examinations on the advice of the Board may, at the end of the course of studies in a Mulika Pirivena, hold an examination for pupils of a Mulika Pirivena.

9. (1) Classes for the examinations held by the Oriental Studies Society and for any other examinations with a similar curriculum approved by the Board shall be conducted in a Maha Pirivena.

Maha
Pirivena

(2) A Bhikku who has passed the examination held at the end of the course of studies in a Mulika Pirivena or any other examination of a similar standard recognized by the Board may be admitted to a Maha Pirivena :

Provided that male lay pupils who have passed the examinations referred to in the preceding provisions of this subsection may be admitted to a Maha Pirivena.

Pirivena
Vidya-
yathana.

10. (1) Classes for the examinations held by the Oriental Studies Society or by the Department of Examinations or by any University recognized by the Board shall be conducted in a Pirivena Vidyayathanaya.

(2) Bhikkus who have passed the examination held at the end of the course of studies in a Mulika Pirivena and male lay pupils who have passed the Grade VIII examination in a Government School may be admitted to a Pirivena Vidyayathanaya.

The
curriculum
and duration
of course of
study.

11. Subject to section 8 (3), the Board shall prescribe the curriculum and the duration of the course of studies in any Pirivena.

The situation
and manage-
ment of
Pirivenas.

12. (1) A Mulika Pirivena and a Maha Pirivena may be held within the same premises and under the same management.

(2) A Pirivena Vidyayathanaya shall not be held within the premises of a Mulika Pirivena or a Maha Pirivena or under the same management as a Mulika Pirivena or a Maha Pirivena.

Pirivena
Training
Institutes.

13. The Board shall establish educational institutions which shall be known as Pirivena Training Institutes for the training of Bhikkus for the purpose of achieving the following objects :—

- (a) teaching in Pirivenas ;
- (b) the propagation of the Buddha Dhamma and Buddhist Culture and the promotion of the Buddhist way of life ;
- (c) social service ;
- (d) the practice of Buddhist meditation ;
- (e) the acquisition of the knowledge of the Buddha Dhamma and the Vinaya ; and
- (f) the teaching of Buddhism.

Director-
General to
determine
courses of
study.

14. The Director-General shall, from time to time, in consultation with the Board determine which of the objects referred to in section 13 shall be selected for the purpose of providing courses of study at any specified Pirivena Training Institute.

15. Every Pirivena Training Institute shall have an Advisory Committee consisting of three members, of whom one shall be the Manager of such Institute. The other two members shall be appointed by the Director-General.

Advisory Committee of Pirivena Training Institutes.

16. The members of the Advisory Committee referred to in section 15 shall not be entitled to any remuneration :

Members not to receive remuneration.

Provided, however, that the Minister may, in consultation with the Minister in charge of the subject of Finance, pay an allowance to such members if he considers it expedient to do so.

17. Subject to the provisions of this Act it shall be the duty of the Advisory Committee of a Pirivena Training Institute to assist the Principal of that Institute in the proper management of the Institute.

Powers and duties of Advisory Committee.

PART IV

POWERS, DUTIES AND FUNCTIONS OF THE DIRECTOR-GENERAL

18. (1) Subject to the general direction and control of the Minister, the Director-General shall be responsible for the administration of this Act.

Powers, duties and functions of the Director-General.

(2) There shall be appointed other officers of the Department of Education to assist the Director-General in the exercise, performance and discharge of his powers, duties and functions under this Act.

(3) The Director-General may, on application made in that behalf, in consultation with the Board register a Pirivena that conforms to the requirements of this Act or regulations made thereunder.

(4) Any Pirivena registered under this Act or deemed to be registered under this Act shall be eligible for a grant from State funds in accordance with this Act or any regulations made thereunder.

PART V

MANAGERS, PRINCIPALS AND TEACHERS OF PIRIVENAS

Manager of
a Pirivena.

19. Every Pirivena shall have a Manager appointed by the Director-General.

Managers of
Mulika
Pirivenas,
Maha Piri-
venas and
Pirivena
Vidya-
yathana.

20. (1) Where a Pirivena is a Mulika Pirivena or a Maha Pirivena or a Pirivena Vidyayathanaya, the Viharadhipathi of the temple to which the land on which the Pirivena is situated belongs shall be appointed as the Manager of that Pirivena if the Viharadhipathi consents to that appointment.

(2) Where the Viharadhipathi does not consent to his appointment under subsection (1), another Bhikku shall be appointed as the Manager of that Pirivena on the recommendation of the Viharadhipathi, if the Director-General is satisfied that the Bhikku is suitable for the appointment.

(3) Where the Director-General is not satisfied that the Bhikku who is recommended by a Viharadhipathi is suitable for appointment as the Manager, the Director-General may appoint a suitable Bhikku as the Manager of that Pirivena.

(4) A Bhikku shall not be appointed as a Manager of more than one Pirivena :

Provided that where a Mulika Pirivena and a Maha Pirivena are situated within the same premises the same Bhikku may be appointed as Manager of both those Pirivenas.

(5) Where a Bhikku is a Viharadhipathi of more than one temple and two or more Pirivenas are situated on the lands belonging to those temples (except in the circumstances set out in the proviso to subsection (4)), the Viharadhipathi may elect to be appointed as the Manager of any one of those Pirivenas and the Viharadhipathi may, with the concurrence of the Board, nominate a Bhikku for appointment as Manager of any one of those other Pirivenas.

(6) Where a Viharadhipathi of a temple is a minor or suffers from any mental or physical disability, the Director-General shall, after consulting the Dayakha Sabha of the temple and the Board, appoint a suitable Bhikku to act as Manager of any Pirivena situated on any land belonging to that temple, until the Viharadhipathi attains majority or recovers from such disability.

(7) Where there is a dispute to the office of a Viharadhipathi of a temple the Director-General shall, after consulting the Board, make a temporary appointment as Manager of any Pirivena situated on any land belonging to that temple until that dispute is determined.

21. The Board shall recommend to the Director-General a suitable Bhikku for appointment as the Manager of a Pirivena Training Institute.

Manager of a Pirivena Training Institute.

22. (1) A Bhikku who holds any paid office under the Republic shall not be appointed as a Manager of a Pirivena.

Holder of a paid office under the Republic disqualified for appointment as Manager.

(2) Where a Viharadhipathi of a temple is a holder of a paid office under the Republic, he shall, for the purpose of section 20, be deemed to have not consented to his appointment as a Manager of a Pirivena and accordingly subsections (2) and (3) of that section shall apply to the appointment of a manager of a Pirivena referred to in that section.

23. The Manager of a Pirivena shall be responsible to the Director-General for the proper administration and maintenance of that Pirivena.

Manager of a Pirivena to be responsible to the Director-General.

24. Subject to the provisions of this Act and any regulations made thereunder, the powers, duties and functions of the Manager of a Pirivena shall be—

Powers, duties and functions of Managers of Pirivenas.

(a) to provide suitable and adequate accommodation, furniture, equipment, sanitary and other facilities for the Pirivena as may be required by the Director-General;

(b) to maintain such educational and cultural standards in the Pirivena as may be prescribed;

(c) to appoint or discontinue subject to the approval of the Board the Principal and teachers of the Pirivena;

(d) to utilize in the best interest of the Pirivena the grant paid out of State funds in respect of the Pirivena;

(e) to be responsible for the general administration and proper maintenance of the Pirivena;

(f) to ensure that the staff of the Pirivena carries out the functions and duties assigned to such staff and complies with such instructions as may be issued by the Director-General from time to time; and

- (g) to recommend a suitable person acceptable to the Board and the Director-General to act as Manager where the Manager is unable to perform his duties by reason of illness or absence from Sri Lanka or for any other cause.

Principal of
Pirivenas.

25. A person shall not be eligible for appointment as the Principal of a Pirivena unless—

- (a) he is a Bhikku who has received Upasampada not less than five years prior to the date of appointment; and

(b) he—

(i) has passed the Pandits' examination of the Oriental Studies Society; or

(ii) holds a degree of a University recognized by the Director-General; or

(iii) holds a degree of the Anuradhapura Buddha Sravaka Dharmapitaya; or

(iv) holds a first-class trained teacher's certificate awarded by a Pirivena Training Institute approved by the Director-General;

(v) holds the Final Examination Certificate of the Vidyodaya and Vidyalankara Maha Pirivenas:

Provided that a Bhikku who was a Principal of a Pirivena on the day immediately preceding the appointed date may, notwithstanding paragraph (b) continue as Principal of that Pirivena.

Teachers of
Pirivenas.

26. (1) A person shall not be eligible for appointment as a teacher of a Pirivena unless he is a Bhikku:

Provided, however, that where a Bhikku is not available for appointment as a teacher in respect of such subjects as may be specified by the Director-General, a qualified layman may be appointed as a teacher of a Pirivena.

(2) The minimum educational qualifications for teachers of Pirivenas shall be as prescribed and different qualifications may be prescribed in respect of different subjects.

(3) A Bhikku appointed as a teacher to a Pirivena shall be paid a monthly stipend and it shall be paid to a 'Kepakaru' nominated by the teacher:

Provided, however, that a Bhikku who was a full-time Pirivena teacher on the day immediately preceding the appointed date may continue to draw his salary.

(4) A layman appointed as a teacher of a Pirivena shall be paid such salary, in accordance with the qualifications held by him, as may be prescribed and such salary may be paid direct to him.

(5) The Board shall maintain for the purposes of this Act a Register of Pirivena Teachers which shall include teachers and Principals of all registered Pirivenas.

27. (1) All matters connected with the conditions of service including the procedure in respect of appointments, dismissals and disciplinary control of teachers and principals, and the payment of salaries shall be as prescribed.

Certain
matters
to be
prescribed.

(2) Only male persons shall be eligible for appointment to the staff of a Pirivena either as a teacher or otherwise.

PART VI

GENERAL

28. Every Pirivena the registration of which has been confirmed under regulation 3 (6) of the Code of Regulations for Pirivenas published in Gazette No. 11,828 of August 7, 1959, as amended from time to time, and in existence on the day immediately preceding the appointed date shall be deemed to be a Pirivena registered under this Act.

Existing
Pirivenas
to continue
under this
Act.

29. Every Manager of a Pirivena, and every Principal or teacher of a Pirivena, which under section 28 is deemed to be registered under this Act, and who is functioning as such on the day immediately preceding the appointed date shall be deemed to be respectively the Manager, Principal or a teacher of that Pirivena appointed under this Act and shall, subject to this Act or any regulation made thereunder, continue in that capacity under this Act.

Manager,
Principal
and teacher
of any
existing
Pirivenas.

30. The Board may with the approval of the Minister make rules in respect of the matters set out in sections 4(16) and 6 and every rule made under this section shall come into operation on the date on which those rules are approved at a meeting of the Board summoned for the purpose.

Board may
make rules.

Registered
Pirivenas to
comply with
this Act.

31. Every Pirivena registered or deemed to be registered under this Act shall comply with the provisions of this Act and the regulations made thereunder.

Grants
payable to
a Pirivena.

32. The grants payable from State funds to any Pirivena registered or deemed to be registered under this Act in respect of maintenance, salaries of teachers and library grants shall be according to the rate prescribed by the Minister in consultation with the Minister in charge of the subject of Finance.

Regulations.

33. (1) The Minister may, with the concurrence of the Board, make regulations for all matters in respect of which regulations are authorized or required to be made under this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may with the concurrence of the Board make regulations in respect of all or any of the following matters:—

(a) the registration, classification and grading of Pirivenas, cancellation of such registration, payment of grants from State funds and the terms and conditions subject to which such grants shall be paid;

(b) the matters to be taken into consideration in the determination of the maximum number of Pirivenas in Sri Lanka eligible for registration and the maximum number of pupils eligible for admission to a Pirivena;

(c) the maintenance of a register of Pirivena teachers and the appointment and discontinuance of Managers of Pirivenas and their functions and duties;

(d) the appointment, transfer, discontinuance, qualifications and grading of teachers including Principals of Pirivenas and the determination of the scales of salaries;

(e) the procedure for the payment of salaries to the members of the staff of a Pirivena;

(f) the admission of pupils to Pirivenas, their age limits and the maintenance of specified ratios as between Bhikkus and lay pupils in Pirivenas and courses and schedules of studies in Pirivenas and the books, apparatus and equipment to be used therein;

- (g) the training of Bhikkus at Pirivena Training Institutes, the courses of study and their duration ;
- (h) the examination and inspection of Pirivenas, certificates and diplomas to be awarded in Pirivenas ; and
- (i) the maintenance of discipline in Pirivenas.

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

(4) Every regulation made by the Minister shall, as soon as convenient after the date of its publication, be brought before Parliament for approval. 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) Notification of the date on which any regulation is so deemed to be rescinded shall be published in the *Gazette*.

34. The Code of Regulations for Pirivenas published in *Gazette* No. 11,828 of August 7, 1959, as amended from time to time, is hereby rescinded : Rescission.

Provided, however, that notwithstanding such rescission, any regulation which is in force on the day immediately preceding the appointed date and which is not inconsistent with the provisions of this Act shall be deemed to have been made under the provisions of this Act and shall have effect as such and may at any time be amended, varied or rescinded by regulations made under this Act.

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

“Bhikku” includes a Samanera ;

“Director-General” means the person for the time being holding the office of the Director-General of Education and except for the purposes of section 4 includes a Deputy Director-General, a Director of Education or other officer authorized by the Director-General to act on his behalf for the purposes of this Act ;

"Pirivena" means—

(a) an educational institution receiving a grant from State funds under section 32 and managed by a Bhikku and having for its aims and objects the aims and objects specified in sections 2 and 3 ; or

(b) a Pirivena Training Institute established under section 13 ;

"Pirivena Education" means the education provided in a Pirivena ; and

"temple and Viharadhipathi" have the same meaning as in the Buddhist Temporalities Ordinance.