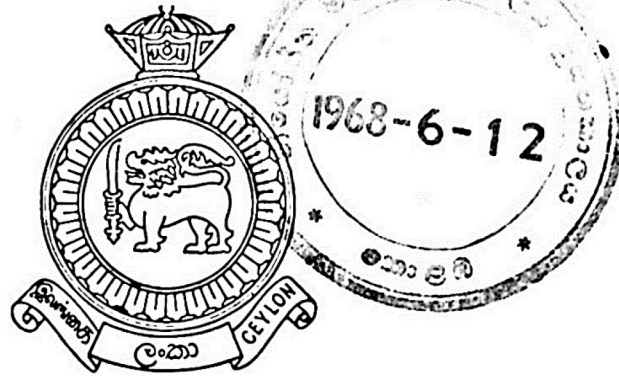


PARLIAMENT OF CEYLON

3rd Session 1967-68



Buddha Sravaka Dharmapithaya Act, No. 16 of 1968

Date of Assent : May 31, 1968

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Buddha Sravaka Dharmapithaya
Act, No. 16 of 1968

L. D.—O. 9/66.

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT
AND REGULATION OF A UNIVERSITY FOR BHIKKHUS.

[Date of Assent: May 31, 1968]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Buddha Sravaka Dharmapithaya Act, No. 16 of 1968. Short title.

PART I

THE BUDDHA SRAVAKA DHARMAPITHAYA

2. (1) There shall be established a unitary and residential University for Bhikkhus. The University, so established, shall have the name and style of " The Buddha Sravaka Dharmapithaya ". Establishment
and incorpora-
tion of Buddha
Sravaka
Dharmapithaya.

(2) The University shall have its seat on such site as the Minister may determine by Order published in the *Gazette*.

(3) The Dharmapithadhipati and the members for the time being of the Anusasaka Mandalaya, the Board of Education and Administration and the Dayaka Mandalaya shall be a body corporate with perpetual succession and with the same name as that assigned to the University by sub-section (1), and shall have power in such name—

- (a) to sue and be sued in all courts ;
- (b) to have and use a common seal ;
- (c) for the purposes of this Act and subject to the Statutes and Rules to purchase, acquire by gift, testamentary disposition or otherwise, take on lease or hire, and hold any movable or immovable property ;
- (d) to sell, hypothecate, lease, exchange or otherwise dispose of any such property ; and
- (e) to exercise and perform in accordance with the provisions of this Act and of the Statutes and Rules, whenever necessary, all the powers and duties conferred or imposed on the University by any of such provisions :

Provided that any sale, hypothecation, lease, exchange or other disposition of any such property shall be void if it is made in contravention of any restriction, condition or prohibition imposed by law or by the instrument by which the property was vested in the University.

Objects of the University.

3. The objects of the University shall be—

- (a) to train Bhikkhus in accordance with the teachings of the Buddha ;
- (b) to promote meditation among the students of the University ;
- (c) to train Bhikkhus for the propagation of the teachings of the Buddha in Ceylon and abroad ;
- (d) to encourage the study of, and research in, Buddhism ; and
- (e) to promote Buddhist culture.

Powers of the University.

4. The University shall, subject to the provisions of this Act and of the Statutes and Rules, have the power—

- (a) to provide for instruction in the following subjects, namely, Sutra, Abhidharma, Vinaya, Buddhist Philosophy and Logic, Buddhist History and Culture, Comparative Religion and Languages and to establish in respect of each of such subjects, or a group of such subjects, a Department of Study ;
- (b) to hold examinations for the purpose of ascertaining the persons who have acquired proficiency in different branches of study ;
- (c) to provide post-graduate courses in Dharmaduta Activities and Buddhist Education and for this purpose to co-operate with other Universities or Authorities, in such manner and for such purposes as the University may determine ;
- (d) to grant and confer such degrees, diplomas and other distinctions as under this Act are determined by the Board of Education and Administration and approved by the Minister, to and on persons who have pursued approved courses of study in the University and who have passed the necessary examinations of the University ;

- (e) to institute such teaching and other posts or such offices as may be necessary for the purposes of the University, to make appointments to such posts or offices and to determine the conditions of employment ;
- (f) to confer honorary degrees or other distinctions on approved persons ;
- (g) to erect, equip and maintain for the purposes of the University, libraries and other buildings whether for instructional or residential purposes ;
- (h) to manage Halls of Residence for the residence of students of the University ;
- (i) to regulate and provide for the residence, discipline and moral, mental and physical well-being of officers, teachers, students and servants of the University ;
- (j) to establish and regulate by Statute a provident fund for the benefit of the officers of the University who are not Bhikkhus and of the servants of the University and to make contributions to such fund out of the University Fund ; and
- (k) to do all such other acts incidental to the powers aforesaid as may be requisite in order to further the objects of the University.

PART II

THE DHARMAPITHADHIPATI AND THE OFFICERS OF THE UNIVERSITY

5. (1) The Dharmapithadhipati of the University shall be an Upasampada Bhikkhu who has completed twenty years after Upasampada.

The Dharma-
pithadhipati.

(2) The Dharmapithadhipati shall be appointed by the Minister out of a panel of at least three names recommended by the Anusasaka Mandalaya.

(3) The Dharmapithadhipati shall be a whole-time officer of the University. He shall be a member and the Chairman of the Board of Education and Administration. He shall be entitled to convene all meetings of the Board of Education and Administration and shall preside at such meetings.

(4) It shall be the duty of the Dharmapithadhipati to secure that the provisions of this Act and of the Statutes and Rules are duly observed and he shall have and may exercise all such powers as he may deem necessary for the purpose.

(5) The Dharmapithadhipati shall give effect to the decisions made under this Act in regard to the administration of the University, and shall exercise general supervision over the educational arrangements of the University. He shall be responsible for the discipline of the University in accordance with this Act and the Statutes and Rules and shall exercise and perform such other powers and duties as may be conferred or imposed on him by this Act or by Statute or Rule.

(6) The Dharmapithadhipati shall hold office for a term of five years but may be reappointed in accordance with the provisions of this section.

(7) If any vacancy occurs in the office of Dharmapithadhipati or if the Dharmapithadhipati, by reason of leave, illness, or other cause, is unable, temporarily, to perform the duties of his office, the Minister may, within fourteen days of such vacancy or inability, make such arrangements as he may think fit for carrying on the office. Until such arrangements have been made, the Secretary of the University shall carry on the routine duties of the office.

The Secretary
of the
University.

6. (1) The Secretary shall be a whole-time officer of the University. He shall be the Secretary to the Anusasaka Mandalaya, to the Board of Education and Administration and to the Dayaka Mandalaya. He shall be the chief accounting officer of the University and shall be responsible for the proper administration of the moneys and properties of the University and in the performance of such duty he shall act in conformity with any decision or order made, or any direction given, by the Dayaka Mandalaya in respect of the administration of the funds and properties of the University. He shall exercise and perform all such powers and duties as may be conferred or imposed on him by this Act or by Statute or Rule. He shall, in addition, assist the Dharmapithadhipati whenever he is called upon to do so.

(2) Any fit person who professes Buddhism and who is not a Bhikkhu may be appointed by the Minister as the Secretary of the University for such period as the Minister may determine:

Provided that an officer in the public service shall not be appointed as Secretary of the University except with the consent of that officer and the Secretary to the Treasury.

(3) The provisions of sub-section (2) of section 18 of the Higher Education Act, No. 20 of 1966, shall, *mutatis mutandis*, apply in relation to any officer of the public service who is appointed as Secretary of the University.

7. The Librarian shall be a whole-time officer of the University and he shall exercise and perform such powers and duties as may be prescribed by Statute or Rule.

The Librarian.

8. (1) There may be appointed in accordance with the provisions of this Act and of the Statutes and Rules such number of officers as may be necessary for the purposes of the University.

Other officers.

(2) An officer appointed under this section shall exercise and perform all such powers and duties as may be prescribed by Statute or Rule.

PART III

THE UNIVERSITY AUTHORITIES

9. The Authorities of the University shall be—

Authorities
of the
University.

- (i) the Anusasaka Mandalaya ;
- (ii) the Board of Education and Administration;
and
- (iii) the Dayaka Mandalaya.

10. (1) The Anusasaka Mandalaya shall consist of—

The Anusasaka
Mandalaya.

- (i) the Maha Nayake Thera of the Malwatta Chapter of the Siamese Nikaya ;
- (ii) the Maha Nayake Thera of the Asgiriya Chapter of the Siamese Nikaya ;
- (iii) the President of the Sri Lanka Amarapura Mahasangha Sabha ;

- (iv) the Maha Nayake Thera of the Ramanna Nikaya ;
- (v) the Nayake Thera of the Anuradhapura Atamas-thana ; and
- (vi) not more than three other Theras nominated by the Minister.

(2) The Chairman of the Anusasaka Mandalaya shall be elected by the Anusasaka Mandalaya from among its members for the time being and shall hold office for three years from the date of such election; he shall however be eligible for re-election to the office of Chairman.

(3) There shall be not less than three ordinary meetings of the Anusasaka Mandalaya in a year convened so that there shall be as nearly as may be at least one ordinary meeting every four months. A special meeting of the Anusasaka Mandalaya shall be convened by the Secretary of the University on a direction from the Chairman of the Mandalaya or the Minister or on a requisition made in that behalf and signed by not less than three members for the time being of the Anusasaka Mandalaya.

(4) The quorum for a meeting of the Anusasaka Mandalaya shall be three.

Powers, duties
and functions
of the
Anusasaka
Mandalaya.

11. Subject to the provisions of this Act and of the Statutes and Rules, the Anusasaka Mandalaya shall have and perform the following powers, duties and functions :—

(a) to advise the Board of Education and Administration and the Dayaka Mandalaya on matters relating to the University;

(b) to determine any such disputes on matters relating to the University as may arise between the Board of Education and Administration and the Dayaka Mandalaya; and

- (c) to do or perform any other act or duty authorized, or imposed upon the Anusasaka Mandalaya, by this Act.

12. (1) The Board of Education and Administration shall be the executive body of the University.

The Board of
Education and
Administration.

(2) Subject to the provisions of sub-section (3) the Board of Education and Administration shall consist of—

- (a) the Dharmapithadhipati who shall be the Chairman of the Board of Education and Administration ;
- (b) the Head of each Department of Study in the University ;
- (c) six Bhikkhus nominated by the Anusasaka Mandalaya ;
- (d) the Chairman of the Dayaka Mandalaya ;
- (e) the Librarian ;
- (f) the Director-General of Education or an officer nominated in that behalf by the Director-General of Education provided, however, that the officer so nominated is a person who professes Buddhism; and
- (g) the Director of Cultural Affairs.

(3) Where the Director-General of Education or the Director of Cultural Affairs is a person who does not profess Buddhism, the Minister shall, in place of the Director-General of Education or the Director of Cultural Affairs, as the case may be, nominate to the Board of Education and Administration an officer who holds a post of similar status and who professes Buddhism.

(4) In the absence of the Chairman of the Board of Education and Administration from any meeting of the Board, the members of the Board present at the meeting shall elect from their own number a Chairman for that meeting.

(5) The quorum for a meeting of the Board of Education and Administration shall be seven.

Powers, duties
and functions
of the Board of
Education and
Administration.

13. Subject to the provisions of this Act and of the Statutes and Rules, the Board of Education and Administration shall have and perform the following powers, duties and functions :—

(a) to regulate and determine all matters concerning the educational organization of the University in accordance with this Act, the Statutes and Rules;

(b) to regulate the admission of students to the University ;

(c) to exercise such powers of the University as relate to—

(i) the establishment of Departments of Study and the imparting of instruction ;

(ii) the holding of examinations of the University ;

(iii) the grant to, or the conferment on, persons of degrees, diplomas or other distinctions of the University ;

(iv) the provision of post-graduate courses;

(v) the institution of teaching posts, the making of appointments thereto and the conditions of employment of teachers ;

(vi) the maintenance of discipline in the University; and

(vii) the conferment of honorary degrees ;

(d) to suspend or dismiss or otherwise punish any teacher of the University on the grounds of incapacity or conduct which renders him unfit to be a teacher of the University if a decision to the effect that he is so unfit is made by the Board of Education and Administration ;

- (e) to consider, amend or adopt the estimates of the University as prepared by the Dayaka Mandalaya :

Provided that any such amendment shall only be made at a joint meeting of the Board of Education and Administration and the Dayaka Mandalaya;

- (f) to make Statutes and by Statute to amend, add to, alter or repeal any Statute; and
- (g) to exercise all other powers of the University, the exercise of which is not otherwise provided for by this Act or by Statutes or Rules.

14. A member of the Board of Education and Administration who is not a Bhikkhu may be present at any meeting of the Board where any matter—

Restrictions on voting by certain members of the Board of Education and Administration on certain matters.

- (a) relating to the conduct or capacity of a teacher of the University; or

- (b) relating to the conduct—

(i) of any graduate of the University, or

(ii) of any person who is the holder of a diploma or other distinction granted or conferred by the University and who is a Bhikkhu, or

(iii) of any student of the University who is a Bhikkhu,

is discussed and may take part in the discussion but he shall not participate in the decision of the Board on such matter by voting thereon.

15. (1) Subject to the provisions of sub-section (2), the Dayaka Mandalaya shall consist of—

The Dayaka Mandalaya.

- (a) nine members nominated by the Minister from persons who profess Buddhism and who are not Bhikkhus; and

(b) the Director of Cultural Affairs.

(2) Where the Director of Cultural Affairs is a person who does not profess Buddhism, the Minister shall, in place of the Director of Cultural Affairs, nominate to the Dayaka Mandalaya an officer who holds a post of similar status and who professes Buddhism.

(3) The Minister shall appoint one of the members of the Dayaka Mandalaya nominated by him as the Chairman of the Dayaka Mandalaya.

(4) The Minister may, without assigning any reason, remove from office the Chairman of the Dayaka Mandalaya or any member of the Dayaka Mandalaya nominated by him.

(5) In the absence of the Chairman of the Dayaka Mandalaya from any meeting of the Dayaka Mandalaya, the members of the Dayaka Mandalaya present at the meeting shall elect from among their own number a Chairman for the meeting.

(6) The quorum for a meeting of the Dayaka Mandalaya shall be five.

**Powers, duties
and functions
of the Dayaka
Mandalaya.**

16. Subject to the provisions of this Act and the Statutes and Rules, the Dayaka Mandalaya shall have and perform the following powers, duties and functions:—

(a) to administer the moneys and properties of the University and to invest any moneys belonging to the University, including any unapplied income, in any security in which under the provisions of section 20 of the Trusts Ordinance or of any written law, it is lawful to invest trust moneys; or with the approval of the Minister of Finance, to invest any such moneys in the purchase of

immovable property in Ceylon or vary such investments; or to place on fixed deposit in any bank approved by the Minister of Finance any portion of such moneys not required for immediate expenditure;

- (b) to appoint officers of the University whose appointments are not otherwise provided for and servants of the University, to determine all matters relating to their conditions of employment and to suspend or dismiss or otherwise punish any such officer or servant on the grounds of incapacity or conduct which, in the opinion of the members of the Dayaka Mandalaya, renders him unfit to be an officer or a servant of the University;
- (c) to manage Halls of Residence for the residence of the students of the University;
- (d) to make such provision as may be necessary to enable a teacher of the University to maintain a standard of life as befits his position;
- (e) to provide teachers of the University with facilities for such travel as is necessitated by their work in the University;
- (f) to receive and accept bequests, donations and grants of any property to the University;
- (g) to prepare the financial estimates of the University;
- (h) to consider the annual accounts of the University and cause such accounts to be audited by an auditor appointed by the Auditor-General and when audited, to be published in the *Gazette*; and
- (i) to deal with all financial matters pertaining to the University.

17. No act or proceeding of any Authority shall be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment or nomination of a member thereof.

Vacancy in, or defect in appointment or nomination of a member of, an Authority not to invalidate any act of the Authority.

PART IV

STATUTES AND RULES

Statutes.

18. (1) Subject to the provisions of this Act, Statutes may be made by the Board of Education and Administration providing for all or any of the following matters:—

- (a) the conditions of appointment and emoluments of the teachers, officers and servants of the University and the powers and duties of such teachers and officers ;
- (b) the organization of the different Departments of Study;
- (c) the admission of students to the University;
- (d) the discipline of students;
- (e) the courses of study for the different degrees and diplomas of the University;
- (f) the conditions under which students shall be admitted to the degree or diploma courses and to the University examinations and be eligible for degrees and diplomas ;
- (g) the procedure of Convocations of the University for the grant or conferment of degrees, diplomas or other distinctions;
- (h) the conditions and mode of appointment, the duties and the emoluments of examiners and the conduct and standard of examinations;
- (i) the administration of the moneys and properties of the University;
- (j) matters connected with the exercise and performance of the powers, duties and functions of the Dayaka Mandalaya; and
- (k) matters for which Statutes are required or permitted by this Act to be made or matters connected with the exercise or performance of the powers, duties or functions of the Board of Education and Administration.

(2) It shall be lawful by Statute to add to, amend, alter or repeal any Statute for the time being in force.

(3) No Statute shall take effect until it is approved by the Minister and published in the *Gazette*.

19. (1) Subject to the provisions of this Act and of the Statutes, the Authorities of the University may make Rules providing—

Rules.

(a) for all matters of procedure at the meetings of such Authorities, for the holding of their meetings, for the keeping of their records and generally for all other matters relating to their business; and

(b) for all matters for which Rules are required or permitted by this Act to be made.

(2) It shall be lawful by Rule to add to, amend, alter or repeal any Rule for the time being in force.

PART V.

EXAMINATIONS AND COURSES OF STUDY

20. All examinations held by the University shall be conducted in such manner as shall be prescribed by Statute.

Examinations.

21. (1) No person shall be eligible for admission to a course of study for a degree of the University unless—

Admissions and
period of study
for graduation.

(a) he is a Bhikkhu,

(b) he has for at least three academic years been a whole-time student in any such Pirivena as is approved for the purposes of this section by the Board of Education and Administration, and

(c) has passed the Preliminary Examination of the Oriental Studies Society in Sinhala, Pali and Sanskrit or an equivalent or higher examination in the same subjects.

22. (1) Any male person, whether he is a Bhikkhu or not, shall, subject to the Statutes, be eligible for admission to a post-graduate course at the University—

Post-graduate
courses.

(a) if he has obtained a degree of the University,
or

(b) if he has obtained a degree at any other University in the subject or subjects relevant to the post-graduate course, such other University being a University the examinations of which are recognized as equivalent to the examinations of the University.

(2) The number of persons, other than Bhikkhus, admitted to follow post-graduate courses in the University shall not, at any time, exceed twenty-five.

PART VI

PROVISIONS RELATING TO TEACHERS OF THE UNIVERSITY

Appointment of teachers.

23. (1) No person who is not a Bhikkhu shall be appointed to the permanent staff of the University as a teacher.

(2) A male person who is not a Bhikkhu may be appointed as a visiting teacher.

(3) Every appointment to a post of teacher in the University shall be made by the Board of Education and Administration after considering the recommendation of a Board of Selection, the members of which shall be—

- (i) the Dharmapithadhipati,
- (ii) two members appointed by the Board of Education and Administration from among its own body,
- (iii) the Director-General of Education or an officer nominated by him in that behalf, and
- (iv) the Director of Cultural Affairs.

Remuneration of teachers, officers and servants.

24. (1) A Bhikkhu who is appointed to any post in the University shall not be paid any emoluments. The Dayaka Mandalaya shall, in respect of such Bhikkhu, make such provision as may be necessary to enable him to maintain a standard of life befitting his position. Any expenses incurred in that behalf by the Dayaka Mandalaya shall be charged to the University Fund.

(2) Persons, other than Bhikkhus, in the employ of the University may be paid such emoluments as may be determined by Statute.

PART VII

FINANCIAL PROVISIONS

Financial year.

25. The financial year of the University shall be the same as the financial year of the Government.

University Fund.

26. There shall be a fund to be called the University Fund, into which shall be paid—

- (a) the income from endowments made to the University;

- (b) moneys provided by Parliament as grants in aid of the University; and
- (c) all other moneys belonging to the University from whatsoever source derived.

27. (1) The Deputy Secretary to the Treasury shall, as soon as may be after the commencement of each financial year, pay to the University such moneys as may be provided by Parliament under the annual Appropriation Act as a grant in aid of the University.

Grants in aid
of the Univer-
sity.

(2) The Deputy Secretary to the Treasury shall, from time to time, pay to the University such moneys as may be provided by Parliament, by way of a supplementary vote or otherwise, as a grant in aid of the University.

(3) All moneys paid under the preceding subsections of this section to the University shall be applied or expended by the University for all or any of the purposes authorized by or under this Act.

28. It shall be the duty of the Secretary of the University—

Secretary of the
University to
keep accounts.

(a) to keep the accounts of the University in such form as the Dayaka Mandalaya shall, after consultation with the General Treasury, from time to time direct;

(b) to receive all moneys paid to the University Fund and to credit such moneys to the proper heads of account; and

(c) to make all authorized payments:

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

29. (1) The accounts of the University shall be annually audited by the Auditor-General.

Audit of
accounts.

(2) For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(3) The Auditor-General and any person assisting him in the audit of the accounts of the University shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the University as the Auditor-General may consider necessary for the purposes of the audit, and shall be furnished by the Secretary of the University or any other officer of the University with such information within his knowledge as may be required for such purposes.

(4) For the purpose of meeting the expenses incurred by him in the audit of the accounts of the University, the Auditor-General shall be paid from the University Fund such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received by the Auditor-General under this sub-section shall, after deducting any sums paid by him to any qualified auditor or auditors employed by him for the purposes of such audit, be credited to the Consolidated Fund of Ceylon.

(5) For the purposes of this section, the expression "qualified auditor" means—

(a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

(b) a firm of Chartered Accountants each of the partners of which, being a member of the Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

Auditor-
General's
report.

30. (1) The Auditor-General shall examine the accounts of the University and furnish a report—

(a) stating whether he has or has not obtained all the information and explanations required by him;

(b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the University; and

(c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives.

(2) The Auditor-General shall transmit his report to the Dayaka Mandalaya.

(3) On receipt of the Auditor-General's report by the Dayaka Mandalaya, the Mandalaya shall consider the report and shall transmit a copy thereof to the Minister, together with a copy of the statement of accounts to which the report relates and the observations of the Mandalaya on the report; and the Mandalaya shall also cause such report and statement to be published in the *Gazette*.

(4) The Minister shall lay copies of the report and statement referred to in sub-section (3) before the Senate and the House of Representatives.

31. (1) The annual financial estimates prepared by the Dayaka Mandalaya shall, before the first day of March in each year, be sent to the Permanent Secretary to the Ministry.

Financial
estimates.

(2) In the case of necessity and in order to meet unforeseen expenditure, it shall at any time be lawful for the Dayaka Mandalaya to prepare supplementary estimates of expenditure.

PART VIII

MISCELLANEOUS

32. No person shall reside within the University precincts unless he—

Restriction on
residence with-
in University
precincts.

(a) is a Bhikkhu, or

(b) is a servant in a Hall of Residence of the University.

33. (1) Where the presence of any person in the University precincts is undesirable, the Secretary of the University after giving such person an opportunity of being heard, may, with the consent of the Board of Education and Administration, by writing under the hand of the Secretary served on such person, prohibit such person from entering or remaining within the University precincts or within such part thereof as may be specified in such writing. Such prohibition shall be and remain in force until revoked by the Secretary with the consent of the Board of Education and Administration.

Prohibition of
undesirable
persons from
entering
precincts.

(2) A certificate under the hand of the Secretary of the University to the effect that any person named in the certificate has been prohibited, in accordance with the provisions of sub-section (1), from entering or remaining within the University precincts or any

specified part thereof, shall be received and accepted by a court of law as evidence of the facts stated in such certificate until the contrary is proved.

(3) A document purporting to be a certificate issued by the Secretary of the University and to be signed by him shall be received in evidence, and shall, until the contrary is proved, be deemed to be a certificate issued by the Secretary under sub-section (2).

(4) Any person who is prohibited under the provisions of sub-section (1) from entering or remaining within the University precincts or part thereof and who, without reasonable cause, enters or remains within such precincts or part thereof in contravention of such prohibition shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine of one hundred rupees in respect of each day on which he has entered or during which he has remained within such precincts or part thereof.

(5) An offence under sub-section (4) shall be cognizable and bailable within the meaning of those terms as defined in the Criminal Procedure Code.

Removal of
Dharmapithadhi-
pati from office
and dissolution
of an
Authority.

34. (1) If the Minister is of the opinion that there is sufficient proof that the Dharmapithadhipati or any Authority, other than the Anusasaka Mandalaya, has acted in a manner detrimental to the interests of the University, the Minister may, by Order in writing—

- (a) remove the Dharmapithadhipati from office, or
- (b) dissolve such Authority,

as the case may be.

(2) Where the Minister under sub-section (1) removes the Dharmapithadhipati from office, he may by the same or subsequent Order appoint a fit and proper person to exercise and perform the powers, duties and functions of the Dharmapithadhipati; and the Minister may from time to time by Order in writing remove or replace the person so appointed.

(3) The person appointed under sub-section (2) may, until a new Dharmapithadhipati is duly appointed, exercise and perform all the powers, duties and functions of the Dharmapithadhipati.

(4) Where the Minister under sub-section (1) dissolves any Authority, he may by the same or subsequent Order appoint a fit and proper person or

two or more such persons to exercise and perform the powers, duties and functions of that Authority; and the Minister may from time to time by Order in writing remove or replace any person so appointed.

(5) Any person or persons appointed under subsection (4) to exercise and perform the powers, duties and functions of an Authority dissolved under subsection (1) may, until a new Authority is duly constituted, exercise and perform all the powers, duties and functions of the Authority which was dissolved. Such new Authority shall not be constituted until a direction in that behalf is given by the Minister.

35. The degrees, diplomas and other distinctions which the University may grant to, or confer upon, persons who have pursued approved courses of study in the University shall be such degrees, diplomas or other distinctions as may be determined by Statute.

Degrees,
diplomas and
other distinc-
tions.

36. (1) Where a Bhikkhu who has received any degree, diploma or other distinction of the University ceases to be a Bhikkhu, he shall be deprived of such degree, diploma or other distinction and of all the privileges of the University which he enjoys.

Deprivation of
degree, &c.,
in certain cir-
cumstances.

(2) Where a person who has received a degree, diploma or other distinction of the University is convicted of any crime or offence involving moral turpitude or is guilty of scandalous conduct, it shall be lawful for the Dharmapithadhipati, on the recommendation made by the Board of Education and Administration after a decision to make such recommendation is taken by not less than two-thirds of the members of that Board entitled under this Act to make such decision, to deprive such person of any degree, diploma or other distinction granted to, or conferred upon, such person and of all the privileges of the University which he enjoys.

37. Where a Bhikkhu who is employed as a teacher or an officer of the University retires after a period of not less than ten years' service in the employ of the University, the Dayaka Mandalaya may make such provision for the future as may be necessary to enable him to maintain a standard of life befitting his position; and any expenses incurred in that behalf by the Dayaka Mandalaya shall be charged to the University Fund.

Special
provisions for
Bhikkhus after
retirement.

Alteration of
seal.

38. The seal of the University may be altered in such manner as may be determined by the Board of Education and Administration.

PART IX

INTERPRETATION

Interpretation.

39. In this Act unless the context otherwise requires—

“Anusasaka Mandalaya” means the Anusasaka Mandalaya constituted in accordance with the provisions of section 10;

“Authorities” means the Authorities of the University mentioned in section 9;

“Bhikkhu” means a Bhikkhu, whether Upasampada or Samanera, who has been registered as such according to section 41 of the Buddhist Temporalities Ordinance (Chapter 318);

“Board of Education and Administration” means the Board of Education and Administration constituted in accordance with the provisions of section 12;

“Dayaka Mandalaya” means the Dayaka Mandalaya constituted in accordance with the provisions of section 15;

“Minister” means the Minister who is for the time being charged with the administration of the subject of education, and “Ministry” shall be construed accordingly;

“officer” means the Secretary of the University or the holder of any post or office in the University but does not include a teacher or a servant;

“Rule” means any Rule made by an Authority in accordance with the provisions of this Act;

“Statute” means any Statute made by the Board of Education and Administration in accordance with the provisions of this Act;

“teacher” includes a Professor, a Lecturer and any other person imparting full-time instruction in the University;

“University” means the University established under section 2;

“University precincts” means the site on which the University has its seat.

PART X

TRANSITORY PROVISIONS

40. (1) As soon as may be after this Act comes into operation—

Transitional
arrangements.

(a) the Anusasaka Mandalaya shall come into existence, and

(b) the Minister shall appoint the Dharmapithadhipati and the Secretary of the University.

(2) The Dharmapithadhipati shall, as soon as may be after his appointment, constitute the Departments of Study. The first appointments of the teachers who will be the Heads of the different Departments of Study and the first appointment of the Librarian shall be made by the Dharmapithadhipati with the approval of the Minister.

(3) The Dharmapithadhipati shall, as soon as may be after the appointment of the Heads of Departments, constitute the Board of Education and Administration and the Dayaka Mandalaya.

(4) The financial estimates of the University for the period commencing on the date on which this Act comes into operation and ending on the last day of the Government financial year in which such date falls shall be prepared by the Secretary of the University and such financial estimates shall be deemed to be the financial estimates of the University for the purposes of this Act.

(5) All expenses incurred by the University during the period referred to in sub-section (4) shall be met out of such moneys as may be provided for the purpose by Parliament.

41. In connection with the preliminary arrangements necessary for the establishment of the University, the Minister, by Order published in the *Gazette*, may issue all such directions as he may deem necessary

Adjustment of
questions not
provided for.

with a view to providing for any special or unforeseen circumstances, or to determining or adjusting any question or matter for the determination or adjustment of which no provision or effective provision is made by this Act.

Operation of
sections 40
and 41.

42. The provisions of sections 40 and 41 shall have effect notwithstanding anything to the contrary in any other provision of this Act.