



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

SIR JOHN KOTELAWALA DEFENCE
ACADEMY
ACT, No. 68 OF 1981

[Certified on 3rd November, 1981]

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*Sir John Kotelawala Defence Academy
Act, No. 68 of 1981*

[Certified on 3rd November, 1981]

L. D.—O. 33/79

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SIR JOHN KOTELAWALA DEFENCE ACADEMY, TO PROVIDE FOR THE VESTING OF KANDAWELA ESTATE AND THE MOVABLE PROPERTY THEREON IN THE ACADEMY, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS by deed No. 1292 dated 11th July, 1979, and attested by Sree Ragavan Narayanasamy of Colombo, Notary Public, Sir John Lionel Kotelawala CH, K.B.E., LLD transferred as and by way of gift absolute and irrevocable to the Democratic Socialist Republic of Sri Lanka the land and premises owned and possessed by him known as Kandawela Estate described in the Schedule hereto :

AND WHEREAS by deed No. 1389 dated 7th April, 1980, and attested by Sree Ragavan Narayanasamy of Colombo, Notary Public, the said Sir John Lionel Kotelawala CH, K.B.E., LLD transferred as and by way of gift absolute and irrevocable to the Democratic Socialist Republic of Sri Lanka all the movable properties described in the Schedule thereto :

AND WHEREAS it was the wish and desire of Sir John Lionel Kotewala CH, K.B.E., LLD, now deceased, that the said land and premises and movable properties shall be used for the purpose of establishing a National Defence Academy to provide pre-officer cadet training :

Be it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lana as follows :—

1. This Act may be cited as the Sir John Kotelawala Defence Academy Act, No. 68 of 1981, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title.

PART I

THE SIR JOHN KOTELAWALA DEFENCE ACADEMY

2. (1) There shall be established an Academy which shall be called "the Sir John Kotelawala Defence Academy" (hereinafter referred to as the "Academy").

Establishment of the Sir John Kotelawala Defence Academy.

(2) The Academy shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

Object
of the
Academy.

3. The objects of the Academy shall be—

- (a) to provide facilities for and instruction in academic studies in such subjects as would be relevant to pre-officer cadet training ;
- (b) to provide a basic service training to pre-officer cadets ;
- (c) to foster a spirit of comradeship and goodwill and promote understanding among pre-officer cadets for the purposes of developing their character, self confidence and qualities of leadership ; and
- (d) to exercise such other functions as the Academy may consider necessary for the achievement of its objects.

Powers,
duties and
functions
of the
Academy.

4. For the purpose of carrying out its objects, the Academy may exercise, perform and discharge all or any of the following powers, duties and functions:—

- (a) to receive grants, gifts or donations, whether from local or foreign sources ;
- (b) to take or hold any movable or immovable property which may become vested in it by this Act or by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and to sell, mortgage, lease, grant, convey, devise, assign, exchange or otherwise dispose of any such movable or immovable property ;
- (c) to enter into and perform or carry out, whether directly or through any officer or agent authorized in that behalf by the Academy, all such contracts or agreements as may be necessary for the attainment of the objects of the Academy ;
- (d) to borrow or raise money for the purposes of the Academy in such manner and upon such security as the Board of Management may think fit ;
- (e) to appoint such employees and agents as are necessary for carrying out the functions of the Academy ;
- (f) to invest its funds in such manner as the Board of Management may think fit ; and

- (g) to do all such acts as are necessary for, conducive or incidental to the attainment of its objects.

5. The management and the administration of the affairs of the Academy shall be vested in a Board of Management (hereinafter referred to as the "Board") which shall consist of the following members appointed by the President :—

Constitution of the Board of Management of the Academy.

- (a) the Secretary to the Ministry of the Minister in charge of the subject of Defence, who shall be Chairman ;
- (b) the Commanders of the Armed Forces of Sri Lanka ;
- (c) an officer of the General Treasury nominated by the Minister in charge of the subject of Finance ;
- (d) the person holding office for the time being as the Commandant of the Academy ; and
- (e) a member of the University Grants Commission nominated by that Commission.

6. (1) The President shall appoint a senior officer of the Armed Services as the Commandant of the Academy (hereinafter referred to as the "Commandant") who shall be the chief executive officer and shall hold office for a period of three years, unless he earlier vacates office by death, resignation or removal.

The Commandant.

(2) Upon the date of the establishment of the Academy the Commandant shall be a senior officer of the Sri Lanka Army, and on the expiry of the term of office of that Commandant, the Commandant shall be a senior officer of the Sri Lanka Navy, and on the expiry of the term of office of the second-mentioned Commandant, the Commandant shall be a senior officer of the Sri Lanka Air Force, and thereafter the appointment to the office of Commandant shall be made in accordance with the order set out herein.

(3) The Commandant may resign his office as Commandant by written communication in that behalf addressed to the President.

(4) The President may, if he thinks it expedient to do so, by Order published in the *Gazette*, remove the Commandant from office without assigning a reason therefor.

(5) A Commandant in respect of whom an Order under subsection (4) is made shall vacate his office on the date of publication of such Order in the *Gazette*, or on such other date as may be specified in such Order.

(6) Where a Commandant appointed from any Armed Service under subsection (1)—

(a) vacates his office or ceases to be a member of the Armed Service to which he is attached, prior to the expiry of his term of office as Commandant, the President shall appoint a senior officer of that Armed Service as Commandant and he shall, unless he earlier vacates office, hold office for the unexpired period of the term of office of the Commandant whom he succeeds; or

(b) is temporarily unable to discharge the functions of his office by reason of ill health, absence from Sri Lanka or any other cause, the President shall appoint a senior officer of that Armed Service to act in his place as Commandant.

(7) For the purposes of this section, the expression "senior officer of the Armed Services" means—

(a) in the case of the Sri Lanka Army, an officer not below the rank of Colonel;

(b) in the case of the Sri Lanka Navy, an officer not below the rank of Captain; and

(c) in the case of the Sri Lanka Air Force, an officer not below the rank of Group Captain.

Duties
of the
Commandant.

7. (1) The Commandant shall, subject to the general direction and control of the Board, be charged with the direction of the affairs of the Academy, the execution of the powers, duties and functions of the Academy and the administrative control of the employees and pre-officer cadets of the Academy.

(2) The Commandant may, with the approval of the Board, delegate in writing to any employee of the Academy such of his powers, duties and functions as he may from time to time consider necessary, and any employee to whom such powers, duties and functions are so delegated shall exercise them subject to the general or special directions of the Commandant.

8. (1) There shall be established a fund called "The Kotelawala Defence Academy Fund" (hereinafter referred to as the "Fund").

Fund
of the
Academy.

(2) The Board shall have the power to manage, control and operate the Fund.

9. There shall be paid into the Fund—

Payments
into the
Fund.

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

(b) all such sums of money as may be received by the Academy by way of donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka;

(c) all such sums of money as may be received by the Academy in the exercise, performance and discharge of its powers, duties and functions.

10. There shall be paid out of the Fund—

Payments
out of the
Fund

(a) expenses necessary for the establishment, working and maintenance of the Academy;

(b) the payment of salaries to officers, servants and other employees;

(c) all such other payments as are approved by the Board as being necessary for the purpose of carrying out the objects of the Academy.

11. Subject to the other provisions of this Act, the Board may regulate its procedure in regard to the meetings of the Board and the transaction of business at such meetings.

Meetings
of the
Board.

Vacancy among members not to invalidate proceedings of the Board.

12. No act, decision or proceeding of the Board shall be invalidated by reason only of the existence of a vacancy among its members or any defect in the appointment of its members.

Appointment of officers and servants of the Academy.

13. (1) The Board may appoint such officers and servants as it considers necessary for the purposes of the Academy.

(2) The officers and servants appointed under subsection (1) shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service and disciplinary control as may be prescribed.

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

(4) Where any public officer is temporarily appointed to the staff of the Academy, the provisions of subsection (2) of section 13 of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to and in relation to him.

(5) Where any public officer is permanently appointed to the staff of the Academy, the provisions of subsection (3) of section 13 of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to and in relation to him.

(6) Where the Board employs any person who has agreed to serve the Government for a specified period, any period of service with the Academy by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

(7) At the request of the Board any member of the Local Government Service or any other officer or servant of any local authority may, with the consent of such member, officer or servant and the Local Government Service Advisory Board or that local authority, as the case may be, be temporarily appointed to the staff of the Academy for such period as may be determined by the Board with like

consent or with like consent be permanently appointed to such staff on such terms and conditions including those relating to pension or provident fund rights as may be agreed upon by the Board and the Local Government Service Advisory Board or the local authority.

(8) Where any person is temporarily appointed to the staff of the Academy in pursuance of subsection (7), such person shall be subject to the same disciplinary control as any other member of such staff.

14. Every pre-officer cadet shall take and subscribe the prescribed oath or make and subscribe the prescribed affirmation before commencing his training.

Oath or
affirmation

PART II

GENERAL

15. (1) The Minister may make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

Regulations.

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

- (a) the management and administration of the affairs of the Academy ;
- (b) the procedure for the enlistment of pre-officer cadets to the Academy ;
- (c) the terms and conditions of service and the allowances payable to pre-officer cadets during their period of training ;
- (d) the conduct and disciplinary control of pre-officer cadets ;
- (e) the provision of accommodation and rations for pre-officer cadets ; and
- (f) the procedure for the appointment of the officers and servants of the Academy.

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

(4) Every regulation shall, as soon as convenient after publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded from the date of its disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the *Gazette*.

Members,
officers and
servants
of the
Academy
deemed to
be public
servants.

16. All members, officers and servants of the Academy shall be deemed to be public servants within the meaning of, and for the purpose of, the Penal Code.

The
Academy
deemed to
be a sche-
duled institu-
tion within
the meaning
of the
Bribery
Act.

17. The Academy shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

Protection
for action
taken
under this
Act or on
the direction
of the
Academy.

18. (1) No suit or prosecution shall lie—

(a) against the Academy for any act which in good faith is done or purported to be done by the Academy under this Act; or

(b) against any member, officer, servant or agent of the Academy for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Academy.

(2) Any expenses incurred by the Academy in any suit or prosecution brought by or against the Academy, and any costs paid to, or recovered by, the Academy in any such suit or prosecution shall be credited to the Fund.

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

19. The Commandant may, with the approval of the Board, make rules in respect of all or any of the following matters :—

Power of the Commandant to make rules.

- (a) the courses of study to be provided for pre-officer cadets by the Academy ;
- (b) the service training to be provided for pre-officer cadets by the Academy ;
- (c) the medical, welfare and recreational facilities to be provided for pre-officer cadets by the Academy ; and
- (d) the measures necessary for the security and protection of the Academy.

PART III

VESTING OF IMMOVABLE AND MOVABLE PROPERTY

20. (1) The Minister shall, by order (hereinafter referred to as the "vesting order") published in the *Gazette*, vest in the Academy with effect from such date (hereinafter referred to as the "vesting date") as may be specified in the vesting order, all the land and premises described in the Schedule hereto donated to the Democratic Socialist Republic of Sri Lanka by Deed No. 1292 dated 11th July, 1979, and all the movable properties donated to the Democratic Socialist Republic of Sri Lanka by Deed No. 1389 dated 7th April, 1980, and described in the Schedule thereto.

Vesting Order.

(2) Where a vesting order has been made, the Academy shall, with effect from the vesting date, have absolute title to all the land and premises together with all the movable property so vested free from all encumbrances, and such vesting shall be final and conclusive for all purposes against all persons, whatsoever right, title or interest they have or claim to have to, or in such land and premises.

(3) A vesting order made under subsection (1) shall as soon as possible after publication in the *Gazette*, be tabled in Parliament.

Pending legal proceedings.

21. Where any suit, appeal or other legal proceedings in respect of any immovable or movable property vested in the Academy by this Act is pending on the vesting date, such suit, appeal or other legal proceedings shall not abate and shall accordingly be continued by or against the Academy.

Rights and liabilities under any contract or agreement.

22. Where a vesting order has been made under subsection (1) of section 20, all the rights and liabilities under any contract or agreement in respect of the land and premises so vested which subsists on the vesting date shall vest in the Academy.

Vesting order not to confer right to any mineral.

23. A vesting order made under subsection (1) of section 20 shall be deemed not to confer any right to any mineral in or upon any such land so vested and every such mineral shall be deemed to remain, and shall remain, the absolute property of the Republic.

Reference to "Kotelawala Defence Academy, Kotelawalapura" deemed to be a reference to the "Sir John Kotelawala Defence Academy, Kotelawalapura".

24. Any reference in Deed No. 1292 dated 11th July, 1979, and in Deed No. 1389 dated 7th April, 1980, to the "Kotelawala Defence Academy, Kotalawalapura", shall be deemed to be a reference to the "Sir John Kotelawala Defence Academy, Kotelawalapura" established by this Act.

Interpretation.

25. In this Act unless the context otherwise requires—

"Armed Forces of Sri Lanka" means—

- (a) the Sri Lanka Army; or
- (b) the Sri Lanka Navy; or
- (c) the Sri Lanka Air Force.

SCHEDULE

1. All that allotment of land marked Lot "A" (Tank) being a defined portion from and out of Lot 12 in Plan No. 955 dated 23rd August, 1956 made by S. Rajendra, Licensed Surveyor of the land called and known as KANDAWALA ESTATE situated at Ratmalana South within the Dehiwela Mount-Lavinia Municipal Council in the Palle Pattu of Salpiti Korale in the District of Colombo Western Province and which said Lot "A" is bounded on the North, East, South and West by Roads containing in extent Seven Acres Two Roods and Thirteen decimal Four Three Perches (7A. 2R. 13.43P.) according to the said Plan No. 2339 dated 21st December, 1978 made by S. Lokanathan, Licensed Surveyor together with the right to use the Roads mentioned in the said Plan No. 2339.

2. All that allotment of land marked Lot "B" being a defined portion from and out of Lot 12 in the said Plan No. 955 dated 23rd August, 1956 made by S. Rajendra, Licensed Surveyor situated at Ratmalana South within the Dehiwela Mount-Lavinia Municipal Council in the Palle Pattu aforesaid and which said Lot "B" is bounded on the North by portion of Kandawala Estate and Crown Lands on the East by Road and Lot C on the South by Lot D and part of Kandawala Estate and on the West by Road and portion of Kandawala Estate containing in extent Nine Acres One Rood and Twenty Four Perches (9A. 1R. 24P.) according to the said Plan No. 2339 dated 21st December 1979 made by S. Lokanathan, Licensed Surveyor together with the right to use the Roads mentioned in the said Plan No. 2339.

3. All that allotment of land marked Lot "C" being a defined portion from and out of Lot 12 in the said Plan 955 dated 23rd August, 1956 made by S. Rajendra, Licensed Surveyor, situated at Ratmalana South within the Dehiwela-Mount Lavinia Municipal Council in the Palle Pattu aforesaid and which said Lot C is bounded on the North by Lot B, East by Road, South by Lot D and on the West by Lot B containing in extent Three Roods and thirty Three decimal One Two Perches (0A. 3R. 33.12P.) according to the said Plan No. 2339 dated 21st December, 1978 made by S. Lokanathan, Licensed Surveyor together with the right to use the Roads mentioned in the said Plan No. 2339.

4. All that allotment of land marked Lot "D" being a defined portion from and out of Lot 12 in the said Plan No. 955 dated 23rd August, 1956 made by S. Rajendra, Licensed Surveyor situated at Ratmalana South within the Dehiwela Mount-Lavinia Municipal Council in the Palle Pattu aforesaid together with the buildings standing thereon and which said Lot "D" is bounded on the North by Lots B, C and E, on the East by Lot F and portion of Kandawala Estate on the South by Road and on the West by Lot B containing in extent Seventeen Acres Two Roods and Nought Eight Nine Perches (17A. 2R. 00.89P.) according to the said Plan No. 2339 dated 21st December, 1978 made by S. Lokanathan, Licensed Surveyor together with the right to use Roads mentioned in the said Plan No. 2339.

5. All that allotment of land marked Lot "E" being a defined portion from and out of Lot 12 in the said Plan No. 955 dated 23rd August, 1956 made by S. Rajendra, Licensed Surveyor situated at Ratmalana South within the Dehiwela Mount-Lavinia Municipal Council in the Palle Pattu aforesaid and which said Lot E is bounded on the North by Air Port Road and Crown land and on the East by Road on the South by Lots D and F and on the West by Crown land and Road containing in extent Eight Acres Two Roods and Seventeen n decimal One Two Perches (8A. 2R. 17.12P.) according to the said Plan No. 2339 dated 21st December, 1978 made by S. Lokanathan, Licensed Surveyor together with the right to use the Roads mentioned in the said Plan No. 2339.

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