

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of April 22, 2016

SUPPLEMENT

(Issued on 25. 04. 2016)



NATIONAL RESEARCH COUNCIL OF SRI LANKA

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BILL

to provide for the establishment of a council to be called and known as the National Research Council of Sri Lanka for the purpose of fostering and sustaining a science and technology research culture and community in Sri Lanka and facilitating research programmes that will contribute to the National Development Agenda, and to provide for matters connected therewith or incidental thereto.

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National Research Council of Sri Lanka

L.D.—O. 28/2014

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A COUNCIL TO BE CALLED AND KNOWN AS THE NATIONAL RESEARCH COUNCIL OF SRI LANKA FOR THE PURPOSE OF FOSTERING AND SUSTAINING A SCIENCE AND TECHNOLOGY RESEARCH CULTURE AND COMMUNITY IN SRI LANKA AND FACILITATING RESEARCH PROGRAMMES THAT WILL CONTRIBUTE TO THE NATIONAL DEVELOPMENT AGENDA, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the National Research Council of Sri Lanka Act, No..... of 2016, and 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*.
- Short title and date of operation.

PART I

ESTABLISHMENT OF THE NATIONAL RESEARCH COUNCIL OF SRI LANKA

2. (1) There shall be established a Council which shall be called the National Research Council of Sri Lanka (hereinafter referred to as the “Council”).
- Establishment of the National Research Council of Sri Lanka.

(2) The Council 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 its corporate name.

3. The objectives for which the Council is established shall be— Objectives of the Council.

- 5 (a) to assist the Government to facilitate research relating to science and technology in order to build a vibrant scientific and technological community in the country;
- 10 (b) to promote and facilitate research relating to science and technology in higher educational institutions and public sector research institutes and other governmental institutes so as to develop a research base that will contribute to national needs; and
- 15 (c) to solicit the co-operation of the private sector in the enhancement of research relating to science and technology.

4. (1) The Council shall consist of— Constitution of the Council.

- 20 (a) not more than ten members to be appointed by the Minister from among Scientists who have wide knowledge and experience in the field of research relating to science and technology and other relevant disciplines (hereinafter referred to as ‘appointed members’);
- 25 (b) the following *ex-officio* members:—
- (i) the Secretary to the Ministry of the Minister to whom the subject of science and technology is assigned or his representative; and
- (ii) the Secretary to the Ministry of the Minister to whom the subject of finance is assigned or his representative.

30 (2) The Minister shall appoint one of the appointed members to be the Chairman of the Council.

- 5 **5.** In the exercise of its powers and carrying out of its objectives, the Council shall comply with the general policy of the Government in connection with research relating to science and technology with any general or special directions issued by the Minister in respect thereof. Council to exercise its powers under the directions of the Minister.
- 6.** A person shall be disqualified from being appointed or continuing as a member of the Council— Disqualification for membership of the Council.
- 10 (a) if such person is, or becomes a member of Parliament, any Provincial Council or any Local Authority; or
- (b) if such person is not, or ceases to be a citizen of Sri Lanka; or
- 15 (c) if such person has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Council; or
- (d) if such person absents himself from three consecutive meetings of the Council without acceptable reasons; or
- 20 (e) if such person is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind; or
- (f) if such person is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country.
- 25 **7.** Every *ex-officio* member of the Council shall hold office as long as such officer holds office by virtue of which he has been appointed to the Council. *Ex-officio* members.
- 30 **8.** (1) Every appointed member of the Council shall, unless such member vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of appointment and unless such member has been removed from office, be eligible for re-appointment. Provisions relating to appointed members.

(2) The Minister may, remove any appointed member of the Council from office for reasons assigned.

(3) Any appointed member of the Council may at any time resign from office by letter to that effect addressed to
5 Minister and such resignation shall take effect upon it being accepted by the Minister in writing.

(4) (a) In the event of the vacation of office by death, resignation or removal from office of any appointed member, the Minister may having regard to the provisions of section
10 4(1), appoint any other person to succeed such member.

(b) Any person so appointed in place of such member, shall hold office during the unexpired part of the term of office of the member whom he succeeds.

(5) Where any appointed member of the Council, by
15 reason of illness, infirmity or absence from Sri Lanka for a period of not less than three months, is temporarily unable to perform the duties of his office, such member shall inform the Minister in writing of such inability. Thereupon, the Minister may having regard to the provisions of Section 4(1)
20 appoint another person to act in his place during such period.

9. (1) The Chairman may resign from the office of
Chairman by letter in that behalf addressed to the Minister and such resignation shall take effect upon it being accepted
by the Minister in writing. Term of office etc. of the Chairman.

25 (2) The Minister may for reasons assigned, by Order published in the *Gazette*, remove the Chairman. The Chairman in respect of whom an Order is made under this paragraph shall be deemed to have vacated office on the date of the publication of the Order in the *Gazette*.

30 (3) Where the Chairman is by reason of illness, infirmity or absence from Sri Lanka for a period of not less than three months, temporarily unable to perform the duties of his office,

the Chairman shall inform the Minister of such inability in writing. The Minister may, under subsection 4(2), appoint another member to act in place of the Chairman during such absence.

5 (4) Where the Chairman vacates office by death, resignation or removal, the Minister may, under the provisions of Section 4(2), appoint another member in his place and the Chairman so appointed shall hold office for the unexpired term of the term of office of the Chairman
10 whom he succeeds.

(5) Subject to the provisions of subsection (1) and (2), the term of office of the Chairman shall be his period of membership of the Council.

15 **10.** No act or proceeding of the Council shall be invalid by reason only of the existence of any vacancy in the Council or any defect in the appointment of a member of the Council.
Acts or proceedings of the Council not to be invalid by reason of any vacancy or defect in the appointment of a member.

20 **11.** The members of the Council may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister in charge of the subject of finance.
Remuneration &c. of members of the Council

12. (1) A meeting of the Council shall be held at least once in every two months.
Meetings of the Council.

(2) The Chairman or in his absence a member elected by the members present, shall preside at meetings of the Council.

25 (3) All questions for decision at any meeting of the Council shall be decided by the vote of a majority of the members present. In the case of an equality of votes, the member presiding shall have a casting vote.

(4) The quorum for any meeting of the Council shall be six members and subject to the provisions of this section the Council may regulate the procedure of its meetings.

5 **13.** (1) The Seal of the Council shall be as determined by the Council. The seal of the Council.

(2) The seal of the Council—

- (a) may be altered in such manner as may be determined by the Council;
- 10 (b) shall be in the custody of such person or persons as the Council may determine;
- 15 (c) shall not be affixed to any instrument or document without the sanction of the Council and except in the presence of two members of the Council, both of whom shall sign the instrument in token of their presence.

PART II

POWERS AND FUNCTIONS OF THE COUNCIL

- 14.** The functions of the Council shall be- The functions of the Council.
- 20 (a) to provide grants for the conduct of research relating to science and technology for the purpose of achieving the objectives of the Council;
 - 25 (b) to facilitate the coordination of research relating to science and technology undertaken by higher educational institutions and public sector research institutes, so as to ensure efficient utilization of Government investments in research;

- 5 (c) to import plant, machinery and equipment required for the purpose of the Council and to receive equipment, funds and any other assistance from recognized local or foreign sources for the efficient conduct of the Council;
- 10 (d) to collect, print and publish reports, periodicals and papers on research relating to science and technology and related subjects;
- 15 (e) to award scholarships and fellowships for scientific study or scientific work at science and technology institutions local or foreign;
- (f) to develop a national system to recognize and grant awards for research and innovations relating to science and technology; and
- (g) to conduct lectures, seminars and workshops on research relating to science and technology and related subjects.
- 20 **15.** The Council shall have the power— Powers of the Council.
- 25 (a) to purchase, acquire and hold any property, movable or immovable and to sell, lease, mortgage, exchange or otherwise dispose of the same for the purposes of the Council;
- (b) to open and maintain, current, savings or deposit accounts in any bank or banks;
- 30 (c) to enter into all such contracts with local or foreign individuals or institutions as may be necessary for the exercise, performance or discharge of its powers and functions;

- (d) to invest its funds which are not required immediately in such securities as it may determine;
- 5 (e) to acquire such rights, privileges, powers, licences and authorities as may be necessary for the performance and discharge of its functions;
- 10 (f) to give grants to individuals, scientists or to any institute or authority to initiate or conduct research on specific projects relating to science and technology;
- 15 (g) to establish working committees to assist the Council in any aspect of its work, define the scope of work of such committees and to appoint, with the approval of the Minister, persons to such committees;
- 20 (h) to make rules in respect of matters pertaining to the administration of the affairs of the Council as may become necessary;
- (i) levy fees, royalties or charges for any services rendered by the Council; and
- 25 (j) to do all other acts as may be necessary for, or incidental to the attainment of the objectives of the Council and the carrying out of the functions of the Council.

PART III

APPOINTMENT OF CHIEF EXECUTIVE OFFICER AND THE STAFF OF THE COUNCIL

- 30 **16.** (1) The Minister shall in consultation with the Council appoint a person who possesses a degree in the Sciences, from a recognized University to be the Chief
- The Chief Executive Officer of the Council.

Executive Officer of the Council subject to such terms and conditions as may be determined in the like manner.

5 (2) The Chief Executive Officer shall, subject to the directions of the Council, be charged with the administration of the affairs of the Council and disciplinary control of the staff of the Council. He shall discharge any other functions as may be assigned to him by the Council.

10 (3) The Chief Executive Officer shall be appointed for such period as shall be determined by the Minister which shall not exceed five years from the date of his appointment and unless removed from office may be re-appointed by the Minister in consultation with the Council, taking into consideration his performance in such office during the tenure of his office.

15 (4) The Chief Executive Officer shall be entitled to be present and express his views at any meeting of the Council, but shall not be entitled to vote at any such meeting.

(5) The Minister may remove the Chief Executive Officer for reasons assigned therefor.

20 **17.** (1) The Council may, subject to the provisions of this Act— Appointment &c. of the staff of the Council.

25 (a) appoint such officers and other employees as it considers necessary for the performance or discharge of its functions and may exercise disciplinary control over or dismiss such officers or employees;

30 (b) pay such remuneration and other benefits to such officers and other employees as shall be determined by the Council, in consultation with the Minister and with the concurrence of the Minister in charge of the subject of Finance;

- (c) establish and regulate provident funds or schemes, for the benefit of its officers and employees and make contributions to such funds or schemes.

(2) Where any officer in the public service is temporarily
5 appointed to the staff of the Council, the provisions of section 14(2) of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(3) Where any officer in the public service is permanently
10 appointed to the staff of the Council, the provisions of section 14(3) of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(4) Where the Council, employs a person who has entered
15 into a contract with the Government for a specified period, any period of service to the Council shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

PART IV

20 FINANCE

18. (1) The Council shall have its own Fund, to which Fund of the Council shall be credited—

- (a) all such sums of money as may be voted upon by Parliament from time to time for the use of the
25 Council;
- (b) all such sums of money as may be received by the Council in the exercise, discharge and performance of its powers and functions under the Act;
- (c) all such sums of money as may be received by the
30 Council for the promotion and enhancement of the

objects of the Council by way of loans, donations, gifts, bequests or grants from any source whatsoever, whether within or outside Sri Lanka;

5 (d) all such sums of money as may be received by the Council by way of fees, royalties or charges under this Act.

(2) There shall be paid out of the Fund of the Council, all such sums of money as are required to defray the expenditure incurred by the Council in the exercise, discharge and
10 performance of the powers and functions of the Council.

19. (1) The Council shall cause proper books of accounts to be kept of its assets and liabilities, income and expenditure and all other transactions of the Council. Audit of Accounts of the Council.

(2) The Financial year of the Council shall be the calendar
15 year.

(3) The provisions of Article 154 of the Constitution shall apply to and in regard to the audit of accounts of the Council.

PART V

GENERAL

20 **20.** (1) The Council shall within six months of the end of each financial year, submit to the Minister an annual report of the activities carried out by the Council during that financial year, and cause a copy each of the following documents relating to that year to be attached to the report:— Annual Report.

25 (a) the audited Accounts of the Council for the year, along with the Auditor-General's report;

(b) a report of proposed activities for the year immediately following the year to which such report and accounts relates.

(2) The Minister shall lay copies of the reports and documents submitted under subsection (1) before Parliament within six months from date of receipt of such reports and documents.

5 **21.** Where any land is required for any purpose of the Council, such purpose shall, for the purpose of the Land Acquisition Act (Chapter 460), be deemed to be a public purpose and the land may accordingly be acquired under the Act by the Government for the Council, and the provisions of that Act shall apply to and in relation to such acquisition.

Compulsory acquisition of land for the Council.

15 **22.** (1) No liability, whether civil or criminal, shall attach to any member or officer of the Council or to any officer authorized by such member or officer, for anything which in good faith is done in the performance or exercise of any function or power imposed on or assigned to the Council under this Act.

Protection of members and officers of the Council from suit or prosecution.

20 (2) Any expenses incurred by the Council in any suit or prosecution brought by or against any relevant authority before any Court, shall be paid out of the Fund of the Council and any cost paid to or recovered by the Council in any such suit or prosecution, shall be credited to the Fund of the Council.

25 (3) Any expenses incurred by a member or officer of the Council or by any officer authorized by any such member or officer, as the case may be, in any suit or prosecution brought against him before any court in respect of any act done by him under this Act shall, if the Court holds that such act was done in good faith, be paid out of the Fund of the Council, unless such expenses are recovered by him in such suit or prosecution.

35 **23.** (1) A person shall not, do anything to interfere or obstruct any member or officer of the Council or exercise any undue influence or coercion on any such member or officer in the exercise or performance of any power or function by such member or officer under this Act.

Interference or exercise of undue influence etc; to be an offence.

(2) A person who acts in violation of the prohibition imposed by subsection (1), shall commit an offence and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding rupees five hundred thousand.

5 **24.** All officers and servants of the Council shall be deemed to be public servants within the meaning and for the purpose of the Penal Code.

Officers and servants of the Council deemed to be public servants.

10 **25.** The Council shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of the Act shall be construed accordingly.

Council deemed to be a scheduled institution for the purposes of the Bribery Act..

26. (1) The Council may make rules which are necessary for the management and administration of the affairs of the Council,

Rules.

15 (2) Every rule made by the Council, 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 in such rule.

27. From and after the appointed date— Savings.

20 (a) all activities hitherto carried out by the National Research Council which has been established under the Presidential Directive dated 24th of July 2007 (hereinafter referred to as the “National Research Council”) in the accomplishment of the objects of that Council and which are not inconsistent with
25 the objects of the National Research Council of Sri Lanka established under section 2 of this Act (hereinafter referred as ‘the Council’) shall be deemed to be activities required to be carried out under this Act and, shall continue to be carried out
30 by the Council;

- 5 (b) all property movable and immovable belonging to the National Research Council, on the date immediately prior to the appointed date shall, with effect from the appointed date, stand to be transferred to the Council;
- 10 (c) all suits, prosecutions, actions, proceedings, matters or things which have been instituted by or against the National Research Council and are pending as at the date immediately prior to the appointed date, shall be deemed to be suits, prosecutions, actions, proceedings, matters or things which have been instituted by or against the Council and may be continued and completed accordingly;
- 15 (d) any decree, order or award entered or made in favour of or against the said National Research Council by any court or tribunal or other body shall, with effect from the appointed date be deemed to be a decree, order or award entered or made in favour of or against the Council and may be enforced
- 20 accordingly;
- 25 (e) the officers and employees of the National Research Council holding office on the day immediately prior to the appointed date, shall, be deemed, with effect from the appointed date, to be officers or employees of the Council on terms not less favourable than their terms of employment in the National Research Council;
- 30 (f) all debts, obligations, assets and liabilities incurred, all contracts and agreements executed or enforced into and all matters and things engaged or agreed to be done by or with the National Research Council and all licenses issued for and on behalf of the said National Research Council which are subsisting as
- 35 on the day immediately prior to the appointed date shall, with effect from the appointed date be deemed

5 to be debts, obligations, assets and liabilities incurred, all contracts and agreements executed or enforced into and all matters and things engaged or agreed to be done by, with or for and licenses issued for and on behalf of the Council.

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

“Minister” means the Minister to whom the implementation of the provisions of this Act is assigned.

10 **29.** In the event of any inconsistency between the Sinhala and Tamil Texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

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