

Amend



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

**SRI LANKA COUNCIL FOR AGRICULTURAL
RESEARCH POLICY
ACT, No. 47 OF 1987**

[Certified on 9th December, 1987]

Printed on the Orders of Government

**Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of December 11, 1987**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Price : Re. 1.50

Postage : Re. 1.15

Sri Lanka Council for Agricultural Research Policy
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L. D.—O. 44/86.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA COUNCIL FOR AGRICULTURAL RESEARCH POLICY; AND 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 Sri Lanka Council for Agricultural Research Policy Act, No. 47 of 1987, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title,
and date of
operation.

PART I

**ESTABLISHMENT OF THE SRI LANKA COUNCIL FOR
AGRICULTURAL RESEARCH POLICY**

2. There shall be established, in accordance with the provisions of this Act, a Council which shall be called the "Sri Lanka Council for Agricultural Research Policy" (hereinafter referred to as the "Council").

Establishment of the Sri Lanka Council for Agricultural Research Policy.

3. The Council shall, by the name assigned to it by section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

The Council to be a body corporate.

4. (1) The Council shall consist of not more than fourteen members appointed by the Minister as follows:—

Members of the Council.

- (a) the Secretary to the Ministry of the Minister in charge of the subject of agricultural research or any subject connected with agricultural research with the concurrence, if such subject has been assigned to any other Minister, of such Minister;
- (b) a representative of the Ministry of the Minister in charge of the subject of Finance and Planning, in consultation with that Minister;
- (c) a representative of the Natural Resources, Energy and Science Authority established by the Natural Resources, Energy and Science Authority Act, No. 78 of 1981, in consultation with the Director-General of that Authority;

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- (d) a person who is a director of an agricultural research institution or is responsible for agricultural research work of an agricultural research institution connected with perennial crops ;
- (e) a person who is a director of an agricultural research institution or is responsible for agricultural research work of an agricultural research institution connected with annual crops ;
- (f) a person who is a director of a research institution or is responsible for research work of a research institution connected with livestock production ;
- (g) a person who is a director of a research institution or is responsible for research work of a research institution connected with forestry ;
- (h) a person who is a director of a research institution or is responsible for research work of a research institution connected with fisheries ;
- (i) a representative of the Ceylon Chamber of Commerce incorporated under Ordinance No. 10 of 1895 (Chapter 289), in consultation with its governing body ;
- (j) a person to represent small holders, in consultation with the Minister in charge of the subject of State Plantations ;
- (k) a person to represent the Janatha Estates Development Board and the State Plantations Corporation ; in consultation with the Secretary to the Ministry of the Minister in charge of the subject of Janatha Estates Development and the Secretary to the Ministry of the Minister in charge of the subject of State Plantations ;
- (l) a person who has distinguished himself in agricultural research in the Universities, in consultation with the Secretary to the Ministry of the Minister in charge of the subject of Higher Education ;

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- (m) a person who has distinguished himself in scientific research and management, on the recommendation of the Council; and
- (n) the Secretary of the Council. ✓

(2) The appointment of members to the Council in terms of paragraphs (d) and (e) of subsection (1) of this section shall be made on the results of an election to be held among each group of directors and other persons referred to in each such paragraph in accordance with rules that shall be made by the Council.

5. A person shall be disqualified from being appointed or continuing as a member of the Council—

Disqualification to be a member.

- (a) if he is a Member of Parliament, or a member of any local authority; or
- (b) if he is not, or ceases to be, a citizen of Sri Lanka; or
- (c) if he is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country.

6. (1) Every member of the Council other than the Secretary of the Council shall hold office for a period of three years unless he earlier vacates office by death, resignation or removal.

Term of office of members.

(2) Every member, other than a member who is removed under subsection (3), is eligible for re-appointment but in no case shall a member be appointed to serve three consecutive terms.

(3) The Minister may, if he deems it necessary, by Order published in the *Gazette* remove from office any member without assigning any reason therefor.

(4) Any member of the Council may, at any time, resign his office by letter in that behalf addressed to the Minister. A resignation under this subsection shall not take effect until the Minister intimates in writing to the member resigning office that his resignation has been accepted.

(5) If a member of the Council vacates office by death, resignation or removal from office, the Minister may, having regard to the provisions of section 4, appoint another person in place of such member.

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(6) A member appointed under subsection (5) shall hold office during the unexpired portion of the term of office of his predecessor.

(7) Where a member of the Council 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, he shall so inform the Minister in writing, and the Minister may, having regard to the provisions of section 4, appoint another person to act in the place of such member.

**Chairman of
the Council.**

7. (1) The Chairman of the Council shall be elected by the members of the Council.

(2) If the Chairman of the Council is, due to illness, other infirmity or absence from Sri Lanka, unable to perform the duties of his office the Council may appoint any other member to act in his place.

(3) The Chairman may resign the office of Chairman by letter addressed to the Minister.

(4) The term of office of the Chairman shall be his term of office as member of the Council.

(5) The Chairman shall preside at all meetings of the Council. In the absence of the Chairman at any such meeting the members present shall choose one of their number to preside thereat.

(6) The Chairman or the presiding member at any meeting shall, in addition to his own vote, have a casting vote.

**Acts or
proceedings
of Council
deemed not
invalid by
reason of any
vacancy or
defect in the
appointment
of any
member.**

8. The Council shall have the power to act notwithstanding any vacancy in its membership and any act or proceeding of the Council shall not be or deemed to be invalid by reason only of such vacancy or defect in the appointment of a member.

**Seal of the
Council.**

9. (1) The seal of the Council shall be in the custody of the Secretary of the Council and may be altered in such manner as may be determined by the Council.

(2) The seal shall not be affixed to any instrument or document except in the presence of the Chairman and the Secretary who shall sign such document or instrument in token of their presence.

(3) In the absence of either the Chairman or the Secretary, the seal may be affixed in the presence of two other members of the Council who shall sign the instrument or document in token of their presence.

(4) The Council shall maintain a register of instruments and documents to which the seal of the Council has been affixed.

10. The functions of the Council shall be—

**Functions
of the
Council.**

- (a) to advise the Government on all matters regarding the organization, co-ordination, planning and execution of agricultural research and such other related matters as may be referred to it by the Minister;
- (b) to formulate national agricultural research policy and priorities;
- (c) to define the overall aims and scope of agricultural research with a view to furthering national development objectives;
- (d) to make recommendations to the appropriate authorities on the financial, manpower and physical resources required by agricultural research institutions and establishments and on the terms and conditions of service of the staff of such institutions and establishments;
- (e) to review institutional and departmental agricultural research programmes and make recommendations with regard to their priorities and funding to the Ministry of the Minister in charge of the subject of Finance and Planning;
- (f) to promote and facilitate excellence in agricultural research;
- (g) to act as a channel of communication between agricultural research institutions and the Government;
- (h) to arrange for and fund inter-institutional agricultural research projects;
- (i) to arrange for and fund special scientific services for the entire agricultural research sector;
- (j) to promote linkage between agricultural research institutions at national and international level;

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- (k) organize conferences and seminars on international, national and inter-institutional issues relating to agricultural research ;
- (l) to arrange for the post-graduate training of agricultural research staff and for interchange of scientists with recognised research institutions abroad ; and
- (m) to review the performance of agricultural research projects, institutions and divisions from time to time.

**Powers of
the Council.**

11. The Council shall have and may exercise all or any of the following powers :—

- (a) to acquire in any manner whatsoever and hold any property, movable or immovable, and to sell, lease, mortgage, exchange or otherwise dispose of the same ;
- (b) to open, operate and close any current, savings or deposit accounts, in any bank or banks ;
- (c) to enter into all such contracts as may be necessary for the exercise, performance or discharge of its powers, duties or functions ;
- (d) to invest its funds in such securities as it may determine ;
- (e) to appoint, employ, remunerate, and exercise disciplinary control over, its officers and servants ;
- (f) to make rules in respect of the administration of the affairs of the Council ;
- (g) to delegate to any member, the Secretary or officer or servant of the Council, such functions as the Council may consider necessary for the efficient transaction of its business ; and
- (h) to make rules as to the conduct of the meetings of the Council or of any of its committees on matters not specifically provided for in this Act.

PART II

STAFF OF THE COUNCIL

**The Secretary of the
Council.**

12. (1) The Secretary of the Council shall be appointed by the Minister on the recommendation of the Council. Such recommendation shall not be necessary in the case of the appointment of the first Secretary.

(2) In the event of the vacation of office by the Secretary by reason of death, resignation or removal, or if the Secretary is, by reason of illness or other cause, unable temporarily to attend to his duties, the Council shall appoint a fit and proper person to act for him until a fresh appointment is made or until the Secretary resumes duties, as the case may be.

(3) Subject to the provisions of this Act, it shall be the duty of the Secretary to convene the meetings of the Council and to give effect to the decisions of the Council.

(4) The Council may delegate to the Secretary such powers, functions and duties of the Council as it considers necessary for the efficient transaction of its business.

(5) The Secretary shall be entitled to speak at any meeting of the Council or of any of its committees but shall not be entitled to vote at any such meeting.

13. The Secretary shall, under the general direction of the Council, carry out the following functions:—

Functions
of the
Secretary.

- (a) prepare and distribute the minutes of all meetings of the Council;
- (b) prepare or cause to be prepared papers on subjects related to the work of the Council;
- (c) maintain a register of persons engaged in agricultural research in all institutions and establishments concerned with agricultural research;
- (d) prepare the budget of the Council in consultation with the Chairman;
- (e) assist institutions and establishments engaged in agricultural research in the development of methodologies for research programme formulation, project preparation, the monitoring and evaluation of research projects and programmes and in agricultural research management;
- (f) organise seminars, workshops and conferences on various aspects of agricultural research;
- (g) draft terms of reference for review teams and consultants engaged to review or evaluate any projects pertaining to agricultural research or any agricultural research institutions or establishments;

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- (h) assist in the publication of literature with regard to agricultural research and research funding and co-ordinate the activities of institutions publishing such literature; and
- (i) make available audio-visual aids to disseminate information relating to improved methods of production.

Staff
of the
Council.

14. (1) The Council may, subject to the provisions of this Act—

- (a) appoint such officers and servants as it considers necessary for the performance or discharge of its duties and functions and exercise disciplinary control over such officers and servants;
- (b) fix the rates at which such officers and servants shall be remunerated;
- (c) determine the terms and conditions of service of such officers and servants; and
- (d) establish and regulate provident funds or schemes for the benefit of such officers and servants and make contributions to any such fund from the funds of the Council.

(2) The Council may make rules in respect of all or any of the matters referred to in subsection (1). Rules made in respect of matters referred to in paragraph (d) of that subsection shall not be inconsistent with the provisions of the Employees Provident Fund Act, No. 15 of 1958 or any regulation made thereunder.

Appointment
of public
officers
to the staff
of the
Council.

15. (1) At the request of the Council, any officer in the Public Service 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 Council for such period as may be determined by the Council with like consent, or, with like consent be permanently appointed to such staff.

(2) 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 any officer in the Public Service who is temporarily appointed to the staff of the Council and the provisions of subsection (3) of the aforesaid section 13 shall, *mutatis mutandis*, apply to, and in relation to any officer in the Public Service who is permanently appointed to such staff.

(3) At the request of the Council, any member of the Local Government Service or any officer or servant of any local authority may, with the consent of such member, officer or servant and the Local Government Service Commission or that local authority, as the case may be, be temporarily appointed to the staff of the Council for such period as may be determined by the Council 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 Council and the Local Government Service Commission or the local authority.

(4) Where any person is temporarily appointed to the staff of the Council in pursuance of subsection (3) such person shall be subject to the same disciplinary control as any other member of such staff.

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

(6) Any officer or servant of a Public Corporation may, with the consent of such officer or servant and the governing body of such Corporation, be temporarily or permanently appointed to the staff of the Council, on such terms and conditions, including those relating to provident fund rights as may be agreed upon by the governing body of that Corporation and the Council.

(7) Where any person is appointed whether temporarily or permanently under subsection (6) to the staff of the Council, he shall be subject to the same disciplinary control as any other member of such staff:

PART III

FINANCE

16. (1) For the purposes of this Act there shall be established the Sri Lanka Council for Agricultural Research Policy Fund (hereinafter referred to as the "Fund") to be administered by the Council in accordance with the provisions of this Act.

Fund of the
Council.

(2) There shall be paid into the Fund—

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

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- (b) all such sums of money as may be received by the Council in the exercise, performance and discharge of its powers, duties and functions; and
- (c) all such sums of money as may be received by the Council by way of loans, donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka.

(3) There shall be paid out of the Fund, all sums of money required to defray any expenditure incurred by the Council in the exercise, performance and discharge of its powers, duties and functions under this Act and any other expense which is authorized or required to be paid out of the Fund by any other provisions of this Act.

Exemption
from
customs
duty &c.

17. The Council shall be exempted from the payment of any customs or excise duty on any goods imported or purchased by the Council where the Minister considers the import or purchase of such goods to be conducive to the discharge and performance of the functions and duties of the Council and the Minister in consultation with the Minister in charge of the subject of Finance, approves such exemption.

Financial
year and the
audit of
accounts
of the
Council.

18. (1) The financial year of the Council shall be the calendar year.

(2) The Council shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Fund.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Fund.

PART IV

GENERAL

Meetings of
the Council.

19. (1) The Council shall meet at least once in six months and the quorum for any meeting thereof shall be five.

(2) All questions for decision at any meeting of the Council shall be decided by the vote of the majority of members present.

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(3) The members of the Council shall be remunerated from the Fund for attending meetings at such rates as may be approved by the Minister with the concurrence of the Minister in charge of the subject of Finance.

(4) The Council may appoint such other standing committees or *ad hoc* committees as it may deem necessary for the exercise, performance and discharge of its powers, duties and functions. Such committees may include persons who are not members of the Council.

(5) In the event of the Council appointing standing committees or *ad hoc* committees the members attending meetings of such committees shall be remunerated from the Fund at such rates as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

(6) The Council may delegate to the committees referred to in subsection (4) any of its powers, duties and functions. The Council may, notwithstanding such delegation, exercise, perform and discharge any power, duty or function so delegated.

20. The Minister may, in consultation with the Council, from time to time give the Council such general or special directions, in writing, as to the exercise, performance and discharge by the Council, of its powers, functions and duties in so far as they relate to matters of policy and the Council and for the purposes of, the Penal Code.

Directions
of the
Minister.

21. All members, officers and servants of the Council shall be deemed to be public servants within the meaning and for the purposes of, the Penal Code.

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

22. The Council 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.

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

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

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

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

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(b) against any member, officer, servant or agent of the Council 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 Council.

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

(3) Any expenses 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 Council 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.

No writ to issue against person or property of a member of the council.

24. No writ against person or property shall be issued against any member of the Council in any action brought against the Council.

Powers of Council to make rules.

25. (1) The Council may make rules in respect of all or any of the matters in respect of which rules are authorized or required by this Act to be made.

(2) No rule made by the Council under subsection (1) shall have effect until it has been approved by the Minister, and notification of such approval is published in the *Gazette*.

Acquisition of immovable property under the Land Acquisition Act.

26. (1) Where any immovable property is required to be acquired for any specific purpose of the Council and the Minister by Order published in the *Gazette* approves of the proposed acquisition for that purpose, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and transferred to the Council.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Council, shall be paid by the Council, from the Fund.

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27. (1) Where any immovable property of the State is required for the purpose of the Council, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance, and accordingly, the provisions of that Ordinance shall apply to a special grant or lease of such property to the Council.

State property both movable and immovable to be made available to the Council.

(2) Where any movable property of the State is required for the purpose of the Council, the Minister may by Order published in the *Gazette*, transfer to and vest in the Council the possession and use of such movable property.

28. (1) For the purpose of enabling the Council to exercise, perform and discharge any of its powers, duties and functions under this Act, the Council or any person authorized in that behalf by the Council may, by notice in writing, require any person engaged in agricultural research to furnish to the Council or to the person authorized by the Council, within such period as shall be specified in the notice, all such returns and information as shall be specified in such notice.

Returns and information.

(2) It shall be the duty of any person who is required to furnish any return or information by a notice under subsection (1) to comply with the requirements of such notice within the time specified in such notice, except where such person is precluded from furnishing such return or information under the provisions of any law.

(3) No information contained in a return furnished under subsection (1) in compliance with the requirements of a notice issued under this section shall be published or communicated by the Council to any other person except with the consent of the person furnishing such return or information or in the course of the discharge of the functions of the Council.

29. The Council shall at the end of each financial year publish a report of its activities during the year and it shall be submitted to the Minister for approval. On being approved by the Minister such report shall be laid before Parliament.

Council to submit a report of its activities.

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Offences and penalties

30. (1) Every person who—
- (a) acts in contravention of any provisions of this Act ;
 - (b) knowingly makes any false or incorrect statement in any return or information furnished by him in compliance with the requirements of a notice sent to him under section 28 ;
 - (c) fails or refuses to comply with the requirements of any notice sent to him under section 28 ;
 - (d) being a member or officer or servant of the Council, discloses any information obtained by him in, or in connection with, the exercise of his powers or the performance of his duties or the discharge of his functions under this Act, to any person for any purpose other than a purpose for which he is authorized to disclose such information by this Act,

shall be guilty of an offence under this Act.

(2) Every person who commits an offence under this Act, shall on conviction after trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

(3) Where an offence under this Act is committed by a body of persons, then—

- (a) if that body of persons is a body corporate, every director and officer of that body corporate ;
- (b) if that body of persons is a firm, every partner of the firm,

shall be deemed to be guilty of the offence :

Provided, however, that a director or an officer of such body corporate or partner of such firm shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he used all diligence to prevent the commission of such offence.

Interpretation.

31. In this Act, unless the context otherwise requires—
“agricultural research” includes research in livestock production, forestry, fisheries and agro-industries, and

“local authority” means any Urban Council, Municipal Council or Development Council.

Annual subscription of Bills and Acts of the Parliament Rs. 150 (Local),
Rs. 200 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS
BUREAU, COLOMBO 1, before 15th December each year in respect of the year
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