

CHAPTER 390

NATIONAL SCIENCE COUNCIL

Law A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL SCIENCE COUNCIL
 No. 36 of 1975, OF SRI LANKA AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL
Act No. 7 of 1980. THERETO.

[1st January, 1976.]

Short title. 1. This Law may be cited as the National Science Council of Sri Lanka Law.

(c) the allocation of funds for scientific and technological research ; and

PART I

THE NATIONAL SCIENCE COUNCIL OF SRI LANKA

Establishment of the National Science Council of Sri Lanka. 2. (1) There shall be established a Council which shall be called the National Science Council of Sri Lanka (hereinafter referred to as "the Council") and which shall consist of the persons who are for the time being members of the Council under this Part of this Law.

(d) any other matters that may be referred by the Minister to the Council;

(2) to initiate, sponsor and support scientific and technological research with the following objectives—

(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 such name.

(a) the development of the resources of Sri Lanka;

(b) the promotion of the welfare of the people of Sri Lanka; and

(c) the advancement of science and technology in general, in Sri Lanka;

(3) The head office of the Council shall be in Colombo or in such other place in Sri Lanka as may be determined by the Council.

(3) to collect, disseminate and publish information relating to scientific and technical matters;

Duties of the Council, 3. The duties of the Council shall be—

(4) to establish and maintain liaison with scientists and technologists and scientific and technological institutions in Sri Lanka and in other countries;

(1) to advise the Minister on—

(a) the application and utilization of science and technology for the development of Sri Lanka;

(5) to study and report on:—

(b) the formulation of a science policy;

(a) the effective utilization of the available scientific and technological personnel in Sri Lanka;

- (b) the future scientific and technological manpower requirements for the effective implementation of the science policy of Sri Lanka; and
- (c) the steps to be taken to provide adequate training facilities to meet future scientific and technological manpower requirements;
- (6) to take cognizance of and report on subjects of national importance concerning scientific, technological, educational, sociological and economic matters in Sri Lanka; and
- (7) to do such other things as may be necessary for the development of science and technology in Sri Lanka.

Powers of the Council.

4. The Council shall have such powers, rights and authorities as may reasonably be necessary or expedient to carry out its duties, and in particular, it may—

- (a) make grants to any scientist or technologist or a team of such persons or any Research Institute or any University or any recognized scientific body to commence or continue a specific research project or projects;
- (b) institute and award research fellowships, studentships, scholarships, prizes and medals for scientific and technological works ;
- (c) establish and maintain research and experimental development units, either independently or in association with organizations engaged in scientific and technological research;
- (d) erect, equip and maintain institutions or laboratories for scientific and technological research,

- (e) establish and maintain a scientific and technical documentation centre;
- (f) establish a research fund for the promotion of scientific and technological research;
- (g) maintain a register of scientific and technical personnel in Sri Lanka;
- (h) take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and subject to the rules of the Council, sell, mortgage, lease, grant, convey, devise, assign, exchange or otherwise dispose of the same ;
- (i) make rules in respect of the administration of the affairs of the Council;
- (j) delegate to the Executive Committee of the Council or the Secretary-General of the Council, such powers, rights, or functions, conferred or imposed on the Council by this Law, as may be considered necessary for the efficient transaction of its business ; and
- (k) adopt all such measures, which in the opinion of the Council, are considered necessary for, conducive or incidental to the fulfilment of the duties of the Council.

5. In the exercise, discharge and performance of the powers, duties and functions of the Council, the Minister may, from time to time, issue in writing such general or, after consultation with the Council, such special directions and the Council shall comply with such directions.

Council to comply with Minister's directions.

6. (1) The Council shall consist of the following members:—

Constitution of the Council. [§ 2, 7 of 1980.]

- (a) eight members (hereinafter referred to as "appointed members ")

appointed by the Minister from among persons who have distinguished themselves in science and technology in any of the following fields:—

Pure Science, Agriculture, Medicine, Engineering, Forestry and allied fields. Industry, Education, Planning, Irrigation and Power, Geology, Social Science, and any other fields that have relevance to the application of science and technology to national development; and

- (6) three ex officio members, namely—
 - (i) the Secretary-General of the Council;
 - (ii) the Secretary to the Ministry charged with the subject of Scientific Affairs or a representative of the Ministry nominated by the Secretary;
 - (iii) the Secretary to the Ministry charged with the subject of Finance or a representative of the Ministry nominated by the Secretary.

(2) A person shall be disqualified from being appointed, or from continuing, as a member of the Council, if he is or becomes a Member of Parliament.

Chairman and Vice-Chairman of the Council.

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

(2) The members of the Council shall from amongst the appointed members of the Council elect the Vice-Chairman of the Council. The Vice-Chairman shall perform the duties of the Chairman, in the absence of the Chairman, or when there is a vacancy in the office of Chairman.

Term of office of the members of the Council.

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

(2) Every ex officio member shall hold office as long as he holds the post by virtue of which he was appointed as a member.

9. (1) The Minister may, if he considers it expedient so to do, remove, by Order published in the Gazette, any appointed member of the Council without assigning a reason therefor.

Power of the Minister to remove from office a member of the Council.

(2) A member of the Council in respect of whom an Order under subsection (1) is made by the Minister shall vacate his office on the date of the publication of such Order in the Gazette.

(3) The removal of any member of the Council under subsection (1) shall not be called in question in any court.

10. An appointed member of the Council may at any time resign his office by letter addressed to the Minister, and such resignation shall not take effect until the Minister intimates in writing to such member that such resignation has been accepted.

Resignation of members.

11. (1) If an appointed member of the Council dies or resigns or is removed from office, the Minister may, subject to the provisions of section 6, appoint any other person to be a member in place of the member who dies or resigns or is removed from office.

Casual vacancies among members.

(2) A member appointed under subsection (1) shall, unless he earlier resigns or vacates office by death or removal, hold office for the unexpired part of the term of office of the member whom he succeeds.

12. 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, it shall be the duty of such a member to inform the Minister in writing. The Minister may, having due regard to the provisions of section 6, appoint another person to act in his place.

Temporary appointments of members of the Council,

13. Any member of the Council who vacates office, other than a member who is removed from office under section 9, shall be eligible for reappointment.

Eligibility of members for reappointment.

Act or proceeding of the Council deemed not to be invalid by reason of any vacancy, or defect in the appointment, of a member.

14. No act or proceeding of the Council shall be deemed to be invalid by reason only of that existence of any vacancy amongst its members or defect in the appointment of any member thereof.

Application of the seal of the Council.

15. (1) The seal of the Council shall be in the custody of the Council.

(2) The seal of the Council may be altered in such manner as may be determined by the Council.

(3) The application of the seal of the Council shall be authenticated by the signature of the Chairman of the Council or some other member of the Council authorized by the Council to authenticate the application of the seal, and of the Secretary-General of the Council, or some other officer of the Council authorized by name by the Council to act in his stead in that behalf.

Remuneration of members of the Board. [§3,7 of 1980.]

16. All or any of the members may be paid such remuneration out of the fund of the Council, as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Meetings of the Council,

17. (1) The meetings of the Council shall be held once at least in every three months.

(2) The quorum for any meeting of the Council shall be six.

(3) The Chairman or in his absence the Vice-Chairman, or in the case of the absence of both, a member chosen by the members present, shall preside at a meeting of the Council.

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

(5) Subject to the preceding provisions of this section, rules may be made under this

Law in respect of the meetings of the Council, the procedure to be followed, and the business to be transacted, at such meetings.

18. (1) The Executive Committee of the Council shall consist of— Executive Committee.

- (a) the Chairman of the Council;
- (b) the Vice-Chairman of the Council;
- (c) the Secretary-General of the Council; and
- (d) the ex officio member appointed under paragraph (b) (ii) of subsection (1) of section 6.

(2) The Council may delegate to the Executive Committee established under subsection (1) such powers, duties or functions conferred or imposed on the Council by this Law, as may be considered necessary for the efficient transaction of its business.

(3) Rules may be made under this Law in respect of the meetings of the Executive Committee, the procedure to be followed, and the business to be transacted, at such meetings.

19. (1) (a) The Minister may, on the recommendation of the Council, appoint such Working Committees as are deemed necessary to assist the Council in the performance of its duties, and may appoint such persons (whether connected with the Council or not), as may be deemed fit to be members of any such Committee. Working committees of the Council.

(6) The Minister shall appoint one of the members of a Working Committee appointed under paragraph (a) to be the Chairman of such a Working Committee. The Chairman so appointed shall be the convener of that Working Committee.

(2) The meetings of a Working Committee shall be held once at least in every two months.

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(3) A Working Committee appointed under subsection (1) shall have a membership not exceeding seven.

(4) Every member appointed to a Working Committee under subsection (1) shall hold office for a period of two years, and shall be eligible for reappointment.

(5) The Council may assign to a Working Committee established under subsection (1) such of its powers as it may deem fit, but shall not be divested of any power which it may have assigned to a Committee. The Council may amend or revoke any decision made by a Working Committee.

(6) The members of a Working Committee appointed under subsection (1) shall not be paid any remuneration, but shall be reimbursed from the Fund of the Council, for such travelling, hotel and incidental expenses, as they may incur for the purpose of attending meetings of such a Committee, or for such other purpose connected with the activities of the Council, as may be approved by the Council.

(7) Subject to the preceding provisions of this section, rules may be made under this Law in respect of the meetings of a Working Committee, the procedure to be followed, and the business to be transacted, at such meetings.

Council. The Secretary-General shall be employed on such terms and conditions as shall be determined by the Minister in consultation with the Minister in charge of the subject of Finance,

(2) If any vacancy occurs in the office of Secretary-General or if the Secretary-General by reason of leave, illness, or other cause, is unable temporarily to perform the duties of his office, the Council shall, as soon as possible, subject to the approval of the Minister, make such arrangements as it may think fit for carrying on the office.

(3) The Secretary-General shall be entitled to convene, be present at, and speak at any meeting of any authority, body or committee of the Council, but shall not be entitled to vote at any such meeting unless he is a member of such authority, body or committee.

(4) Subject to the provisions of this Law, it shall be the duty of the Secretary-General to give effect, or to ensure that effect is given, to the decisions of the Council.

(5) The Council may delegate to the Secretary-General such powers, duties or functions conferred or imposed on the Council by this Law, as may be considered necessary for the efficient transaction of its business, and it shall be the duty of the Secretary-General to exercise, discharge or perform those powers, duties or functions as may be delegated to him by the Council.

(6) The Council may appoint to the staff of the Council such other officers and servants as the Council may deem necessary.

PART II

STAFF OF THE COUNCIL

Appointment of the Secretary-General and other officers and servants of the Council.

20. (1) The Council shall, in consultation with the Minister, appoint a person to be Secretary-General who shall be the chief executive officer of the Council, and who shall be a whole-time officer of the

21. (1) Subject to the other provisions of this Law, the Council may—

(a) appoint, dismiss and exercise disciplinary control over the staff of the Council;

Powers of the Council in regard to the staff of the Council.

- (b) fix the wages or salary or other remuneration of such staff;
- (c) determine the terms and conditions of the service of such staff, and
- (d) establish and regulate provident funds or schemes for the benefit of such staff, and make contributions to any such fund or scheme.

(2) Rules may be made under this Law in respect of all or any of the matters referred to in subsection (1).

(3) 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 charged with 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 be permanently appointed to such staff. Where any officer in the public service is temporarily appointed to the staff of the Council, the provisions of subsection (2) of section 9 (other than the provisions of paragraph (a) of that subsection) of the Motor Transport Act, No. 48 of 1957*, shall *mutatis mutandis* apply to and in relation to him.

(4) Where any officer in the public service is permanently appointed to the staff of the Council, subsection (3) of section 9 of the Motor Transport Act. No. 48 of 1957*, shall *mutatis mutandis* apply to and in relation to him.

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

(6) At the request of the Council, 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 Secretary to the Ministry in charge of the subject of Local Government or that 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 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 such Secretary or that authority.

(7) Where any person is temporarily appointed to the staff of the Council, in pursuance of the provisions of subsection (6), he shall be subject to the same disciplinary control as any other member of such staff.

(8) Any officer or servant of a public corporation may, with the consent of such officer or servant and the Board of Directors 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 Board of Directors of that corporation and the Council,

(9) Where any person is appointed whether temporarily or permanently under subsection (8) 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

22. (1) The Council shall have its own Fund. The Fund of the Council.

* Repealed by Law No, 19 of 1978.

(2) There shall be paid into the Fund of the Council—

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

(b) all sums of money received by the Council in the exercise, discharge and performance of its powers, functions and duties.

(3) There shall be paid out of the Fund of the Council all sums of money required to defray any expenditure incurred by the Council in the exercise, discharge and performance of its powers, functions and duties under this Law, or any other written law, and all such sums of money as are required to be paid out of such Fund by or under this Law.

Exemption from taxes and duties.

23. (1) The income of the Council shall be exempt from income tax.

(2) The Council shall be exempt from the payment of any customs or excise duty on any goods imported or purchased out of bond by the Council, if the Minister in consultation with the Minister in charge of the subject of Finance approves of such exemption.

Financial year.

24. The financial year of the Council shall be the period of twelve months commencing on the first day of January each year.

Application of the provisions of the Public Corporations (Financial Control) Act.

25. The provisions of the Public Corporations (Financial Control) Act shall, *mutatis mutandis*, apply to the financial control and accounts of the Council.

PART IV

GENERAL

Power of Council to make rules,

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

(2) No rule made by the Council under this Law shall have effect until it has been approved by the Minister.

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

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

28. 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 scheduled institution within the meaning of the Bribery Act,

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

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

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

(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 Law or on the direction of the Council.

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

(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 Law 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 funds of the Council, unless such expense is recovered by him in such suit or prosecution.

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

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

Contracts.

31. The Council may enter into and perform or carry out, whether directly or through any officer or agent, authorized in writing in that behalf, by the Council, all such contracts or agreements as may be necessary for the exercise, discharge and performance of the powers, functions and duties of the Council.

at least three days' notice in writing to the owner or occupier of any land or premises, enter upon such land or premises and there do such acts as may be reasonably necessary for the purpose of carrying out any work of the Council, or of making any investigation or examination, preliminary or incidental to the exercise of any power, or the discharge of any function, of the Council.

Acquisition of immovable property under the Land Acquisition Act for the Council.

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

36. (1) Every person who—

Offences and penalties.

(a) knowingly makes any false or incorrect statement in any return or other document made or furnished under or for the purposes of this Law; or

(b) fails or refuses to furnish any information or return required under this Law (o be furnished by him; or

(c) resists or obstructs any person in the exercise, discharge or performance of any power, function or duty conferred or imposed upon that person by or under this Law;

(d) being a member or officer or servant of the Council, discloses any information obtained by him in, or in connexion with, the exercise of his powers or the performance of his duties under this Law, to any person other than a person to whom such information is necessary for the purpose of the exercise of any power or the performance of any duty under this Law; or

(e) contravenes or fails to comply with any provision of this Law or rule made under this Law,

shall be guilty of an offence under this Law.

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

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

33. (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 State Lands Ordinance, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property 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.

Returns and information.

34. The Council or any person authorized in that behalf by the Council may by notice in writing require any person to furnish to the Council or the person so authorized within such period as shall be specified in the notice, all such returns or information as may be necessary for the Council under this Law and as are within the knowledge of such person.

Power to enter any land or premises.

35. Any officer or servant of the Council who is generally or specially authorized in that behalf by the Council may, after giving

37. The provisions of this Law shall have effect notwithstanding anything contained in any other law, and accordingly in the event of any conflict or inconsistency

This Law to prevail over other written law.

between the provisions of this Law and such other law, the provisions of this Law shall prevail.

*40. In this law, unless the context otherwise requires—

"Secretary-General" means the Secretary-General of the Council.

* Sections 38 and 39, repealing the National Science Council of Ceylon Act, No. 9 of 1968, and containing transitional provisions consequent to the repeal, are omitted,