

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

NATIONAL RESEARCH COUNCIL OF

SRI LANKA ACT, No. 11 OF 2016

[Certified on 27th July, 2016]

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Act, No. 11 of 2016

[Certified on 27th July, 2016]

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

SRILANKA FOR THEPURPOSEOF FOSTERING AND SUSTAINING ASCIENCE

AND TECHNOLOGY RESEARCHCULTURE ANDCOMMUNITY IN SRILANKA

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 Short title and

date of

Council of Sri Lanka Act, No. 11 of 2016, and shall come

operation.

into operation on such date (hereinafter referred to as the

“appointed date”) as the Minister may appoint by Order

published in the Gazette.

PART I

ESTABLISHMENT OF THE NATIONAL RESEARCH COUNCIL OF

SRI LANKA

2. (1) There shall be established a Council which shall Establishment of

the National

be called the National Research Council of Sri Lanka Research Council

(hereinafter referred to as the “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.

2—PL 009950— 2,961 (05/2016)

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Objecitves of the 3. The objectives for which the Council is established

Council. shall be—

(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;

(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

(c) to solicit the co-operation of the private sector in

the enhancement of research relating to science and

technology.

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

the Council.

(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’);

(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.

(2) The Minister shall appoint one of the appointed

members to be the Chairman of the Council.

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5. In the exercise of its powers and carrying out of its Council to

objectives, the Council shall comply with the general policy exercise its

powers under

of the Government in connection with research relating to

the directions of

science and technology with any general or special directions the Minister.

issued by the Minister in respect thereof.

6. A person shall be disqualified from being appointed Disqualification

or continuing as a member of the Council— for membership

of the Council.

(a) if such perosn 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

(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

(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 impose by any court in Sri Lanka or

any other country.

7. Every ex-officio member of the Council shall hold Ex-officio

office as long as such officer holds office by virtue of which members.

he has been appointed to the Council.

8. (1) Every appointed member of the Council shall, Provisions

unless such member vacates office earlier by death, relating to

appointed

resignation or removal, hold office for a term of three years

members.

from the date of appointment and unless such member has

been removed from office, be eligible for re-appointment.

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(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

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

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

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)

appoint another person to act in his place during such period.

Term of office 9. (1) The Chairman may resign from the office of

etc. of the Chairman by letter in that behalf addressed to the Minister

Chairman.

and such resignation shall take effect upon it being accepted

by the Minister in writing.

(2) The Minister may for reasons assinged, 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.

(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,

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the Chairman shall inform the Minister of such inability in

writing. The Minister may, under section 4(2), appoint

another member to act in place of the Chairman during such

absence.

(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

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.

10. No act or proceeding of the Council shall be Acts or

proceedings of

invalid by reason only of the existence of any vacancy in

the Council not

the Council or any defect in the appointment of a member of to be invalid by

the Council. reason of any

vacancy or

defect in the

appointment of

a member.

11. The members of the Council may be paid such Remuneration

remuneration as may be determined by the Minister with &c. of members

of the Council.

the concurrence of the Minister in charge of the subject of

finance.

12. (1) A meeting of the Council shall be held at least Meetings of the

once in every two months. Council.

(2) The Chairman or in his absence a member elected by

the members present, shall preside at the meetings of the

Council.

(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.

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(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.

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

Council. by the Council.

(2) The seal of the Council—

(a) may be altered in such manner as may be

determined by the Council;

(b) shall be in the custody of such person or

persons as the Council may determine;

(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

The functions of 14. The functions of the Council shall be-

the Council.

(a) to provide grants for the conduct of research

relating to science and technology for the

purpose of achieving the objectives of the

Council;

(b) to facilitate, coordinate, supervise and

monitor research relating to science and

technology in respect of grants provided to

higher educational institutions, public sector

research institutes and other governmental

institutions so as to ensure the efficient

utilization of government investments in

research;

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(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;

(d) to collect, print and publish reports,

periodicals and papers on research relating

to science and technology and related

subjects;

(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.

15. The Council shall have the power— Powers of the

Council.

(a) to purchase, acquire and hold any property,

movable or immoverble 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;

(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;

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(d) to invest its funds which are not required

immediately in such securities as it may

determine;

(e) to acquire such rights, privileges, powers,

licences and authorities as may be necessary

for the performance and discharge of its

functions;

(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;

(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;

(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

(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

The Chief 16. (1) The Minister shall in consultation with the

Executive Council appoint a person who possesses a degree in the

Officer of the

Council. Science, from a recognized university to be the Chief

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Executive Officer of the Council subject to such terms and

conditons as may be determined in the like manner.

(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.

(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.

(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.

17. (1) The Council may, subject to the provisions of Appointment

this Act— &c. of the staff

of the Council.

(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;

(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;

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(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

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

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

into a contract with the Government for a specified period,

any period of service to the Council shall be ragarded as

service to the Government for the purpose of discharging

the obligations of such contract.

PART IV

FINANCE

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

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

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

Council for the promotion and enhancement of the

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objects of the Council by way of loans, donations,

gifts, bequests or grants from any source whatsoever,

whether within or outside Sri Lanka; and

(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

performance of the powers and functions of the Council.

19. (1) The Council shall cause proper books of Audit of

Accounts of the

accounts to be kept of its assets and liabilities, income and

Council.

expenditure and all other transactions of the Council.

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

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. (1) The Council shall within six months of the end Annual Report.

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:—

(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.

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(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

doucments.

Compulsory 21. Where any land is required for any purpose of the

acquisition of Council, such purpose shall, for the purpose of the Land

land for the

Acquisition Act ( Chapter 460), be deemed to be a public

Council.

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.

Protection of 22. (1) No liability, whether civil or criminal, shall attach

members and to any member or officer of the Council or to any officer

officers of the

authorized by such member or officer, for anything which in

Council from

suit or good faith is done in the performance or exercise of any

prosecution. function or power imposed on or assigned to the Council

under this Act.

(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.

(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.

Interference or 23. (1) A person shall not, do anything to interfere or

exercise of obstruct any member or officer of the Council or exercise

undue influence

any undue influence or coercion on any such member or

etc; to be an

offence. officer in the exercise or performance of any power or

function by such member or officer under this Act.

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(2) A person who acts in violation of the prohibition

imposed by subsection (1), shall commit an offence and shall

on conviction after summery trial before a Magistrate, be

liable to a fine not exceeding rupees five hundred thousand.

24. All officers and servants of the Council shall be Officers and

deemed to be public servants within the meaning and for the servants of the

Council deemed

purposes of the Penal Code. to be public

servants.

25. The Council shall be deemed to be a scheduled Council deemed

institution within the meaning of the Bribery Act, and the to be a

scheduled

provisions of the Act shall be construed accordingly. institution for

the purposes of

the Bribery Act.

26. (1) The Council may make rules which are necessary Rules.

for the management and administration of the affairs of the

Council.

(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.

(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 objcets of

that Council and which are not inconsistent with

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

by the Council;

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(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;

(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;

(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

accordingly;

(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;

(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

on the day immediately prior to the appointed date

shall, with effect from the appointed date be deemed

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to be debts, obligations, assets and liabilities

incurred, all contracts and agreements executed or

enforecd 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.

29. In the event of any inconsistency between the Sinhala text to

Sinhala and Tamil Texts of this Act, the Sinhala text shall prevail in case

of inconsistency.

prevail.

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