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National Science Council of Ceylon Act, No. 9 of 1968

Date of Assent : February 28, 1968

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*National Science Council of Ceylon
Act, No. 9 of 1968*

L. D.—O. 4/65.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
NATIONAL SCIENCE COUNCIL OF CEYLON AND FOR
MATTERS CONNECTED THEREWITH.

[Date of Assent: February 28, 1968]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the National Science Council of Ceylon Act, No. 9 of 1968, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (in this Act referred to as the "appointed date").

Short title
and date of
operation.

PART I.

THE NATIONAL SCIENCE COUNCIL OF CEYLON.

2. (1) There shall be established a council which shall be called the National Science Council of Ceylon (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 Act.

Establishment
of the National
Science Council
of Ceylon.

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

Corporate body
perpetual succession

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

3. The functions of the Council shall be—

Functions of
the Council.

(1) to advise the Minister on—

(a) the application of science and scientific research to problems of national importance for the general benefit of the community;

(b) the co-ordination of research in the various fields of scientific work with a view to directing scientific work into channels vital for national development;

(c) the steps that should be taken to maintain an adequate supply of scientific and technical personnel, having regard to the country's need, from time to time, for such personnel; and

(d) matters of scientific policy including the allocation of funds for scientific research, and any other such matters as the Minister may refer to the Council for its advice;

(2) to initiate, promote and intensify fundamental and applied research with a view to developing the economic resources of the country and promoting the welfare of the people;

(3) to collect and disseminate information relating to scientific and technical matters, and to publish reports, periodicals and papers on matters scientific and technical;

(4) to establish and maintain liaison with scientific institutions and scientific workers in other countries in matters relating to science and scientific research; and

(5) to do such other things as may be necessary for the advancement of science and scientific research in Ceylon.

**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 functions, and in particular, it may—

(a) institute and award research fellowships, studentships, scholarships, prizes and medals for scientific work;

(b) erect, equip and maintain research units and laboratories either independently or in association with organizations engaged in scientific research in the public sector or in the private sector;

(c) make grants in aid of specific research projects carried on by any scientific body or institution;

(d) establish a research fund for the promotion of scientific research in Ceylon;

- (e) 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;
- (f) make rules in respect of the conduct of the affairs of the Council; and
- (g) do all such other acts or things as, in the opinion of the Council, are necessary to facilitate the proper carrying out of its functions.

5. In the exercise of its functions and powers under this Act, the Council shall comply with such general or special directions as the Minister may, from time to time, issue to the Council.

Council to
comply with
Minister's
directions.

6. (1) The Council shall consist of twenty-one members all of whom shall be appointed by the Minister from among persons—

Constitution
of the Council.

- (a) who possess recognized scientific qualifications; or
- (b) who have been engaged in, or closely associated with, the pursuit, promotion or application of science; or
- (c) who, in the opinion of the Minister, have rendered distinguished service to science or have made contributions to scientific knowledge.

(2) In making the appointments under sub-section (1), the Minister shall ensure that at least one person engaged in or closely associated with each of the following categories of research is appointed as a member of the Council:—

- (a) Physical Science Research
- (b) Biological Science Research
- (c) Agricultural Research
- (d) Industrial Research
- (e) Medical Research
- (f) Social Science Research.

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

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Act, No. 9 of 1968

Chairman and
Vice-Chairman
of the Council.

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

(2) The members of the Council shall from amongst their number elect the Vice-Chairman of the Council.

Term of office
of the members
of the Council.

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

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

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

(2) A member of the Council in respect of whom an Order under sub-section (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 sub-section (1) shall not be called in question in any court.

Resignation
of members.

10. A 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 the resignation has been accepted.

Casual
vacancies
among
members.

11. (1) If a member of the Council dies or resigns or is removed from office, the Minister may, having due regard 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.

(2) A member appointed under sub-section (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.

Temporary
appointments
of members of
the Council.

12. Where a member of the Council is by reason of illness, infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may, having due regard to the provisions of section 6, appoint another person to act in his place.

Eligibility of
members for
reappointment.

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.

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

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

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

Application of the seal 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 officer of the Council who is designated 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.

16. The members of the Council 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 the Council or for such other purpose connected with the activities of the Council as may be approved by the Council.

Reimbursement of expenses of members of the Council.

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

Meetings of the Council.

(2) The quorum for any meeting of the Council shall be at least ten.

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

PART II.

STAFF OF THE COUNCIL.

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

18. (1) The members of the Council shall, in consultation with the Minister, elect from amongst their number a Secretary-General who shall be the chief executive officer of the Council, and who shall be a whole-time officer of the Council.

(2) The Secretary-General—

(a) shall retire from office on reaching the age of sixty years; and

(b) may at any time, with the prior approval of the Minister, be removed from office.

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

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

19. (1) Subject to the other provisions of this Act, the Council may—

(a) dismiss and exercise disciplinary control over 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 Act in respect of all or any of the matters referred to in sub-section (1).

Appointment of
public officers
to the staff of
the Council.

20. (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 Treasury, 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.

(2) The provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply in relation to any officer in the public service who is temporarily appointed to the

staff of the Council, and the provisions of sub-section (3) of the aforesaid section 9 shall, *mutatis mutandis*, apply in relation to any officer in the public service who is permanently appointed to such staff.

(3) 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.

(4) At the request of the Council, any officer or servant of the Local Government Service Commission or any local authority may, with the consent of that officer or servant and that Commission or 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 the staff of the Council on such terms and conditions, including those relating to pension and provident fund rights, as may be agreed upon by the Council and that Commission or authority.

(5) Where an officer or servant of the Local Government Service Commission or of any local authority is temporarily appointed to the staff of the Council, he shall be subject to the same disciplinary control as any other member of such staff.

(6) The employment in the staff of the Council of any person appointed under this section shall not be terminated except with the prior approval in writing of the Minister.

(7) In this section, "local authority" means any Municipal Council, Urban Council, Town Council or Village Council.

PART III.

FINANCE.

21. (1) The Council shall have its own Fund.

(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

The Fund of
the Council.

(b) all sums of money received by the Council in the exercise, discharge and performance of its functions, powers 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 functions, powers and duties and all such sums of money as are required to be paid out of such Fund by or under this Act.

Borrowing powers of the Council.

22. The Council may, with the consent of the Minister, or in accordance with the terms of any general authority given by the Minister, borrow temporarily by way of overdraft, loan or otherwise, such sums as the Council may require for meeting the obligations of the Council:

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Council shall not exceed such sum as may be determined by the Minister in consultation with the Minister of Finance.

Income of the Council.

23. (1) The net surplus of the income of the Council in any year may, with the approval of the Minister,—

(a) be applied to any special purpose connected with the functions of the Council; or

(b) be paid to a general reserve fund which may be established and maintained by the Council.

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

Accounts of the Council and financial year.

24. (1) The Council shall cause its accounts to be kept in such form and manner as may be approved by the Minister.

(2) The financial year of the Council shall be the period of twelve months commencing on the first day of October.

Estimate of income and expenditure of the Council for each financial year to be transmitted to the Minister.

25. (1) The Council shall, for each financial year, prepare in such form as may be approved by the Minister an estimate of the income and expenditure for that year.

(2) The estimate referred to in sub-section (1) shall be in duplicate and shall be transmitted to the Minister on or before the fifteenth day of March in the financial year preceding the one to which it relates.

(3) Where any item of expenditure is not provided for in such estimate, the prior approval of the Minister to a supplementary estimate shall be obtained before any expenditure is incurred in respect of such item.

26. (1) The Council shall have its accounts for each financial year audited by the Auditor-General.

Audit of the
accounts of
the Council.

(2) For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(3) The Auditor-General and any person assisting him in the audit of the accounts of the Council shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Council as the Auditor-General or such other person assisting him in the audit of the accounts may consider necessary for the purposes of the audit, and shall be furnished by the members or officers of the Council with such information within their knowledge as may be required for such purposes.

(4) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Council, the Auditor-General shall be paid from the Fund of the Council such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from the Council by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund of Ceylon.

(5) For the purposes of this section, the expression "qualified auditor" means—

- (a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

- (b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

The Auditor
General's
Report.

27. (1) The Auditor-General shall examine the accounts of the Council and furnish a report—

- (a) stating whether he has or has not obtained all the information and explanations required by him;
- (b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Council; and
- (c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Council.

(2) The Auditor-General shall transmit his report to the Council.

Annual accounts with the auditor's report and a report of the annual activities of the Council to be transmitted to the Minister.

28. The Council shall, on receipt of the Auditor-General's report on the accounts for each financial year, transmit such report together with the profit and loss account and the balance sheet to which the report relates, and a statement by the Council of its activities during that financial year to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives before the end of the year next following the year to which such report and accounts relate.

PART IV.

GENERAL.

Power of
Council to
make rules.

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

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

Members and
employees of the
Council deemed
to be public
servants.

30. 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.

31. 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.

32. (1) Contracts on behalf of the Council may be made as follows:—

Contracts.

(a) a contract which if made between private persons would be by law required to be in writing, may be made on behalf of the Council in writing under the common seal of the Council;

(b) a contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the Council in writing signed by any person or persons duly authorized thereto by the Council; and

(c) a contract which if made between private persons would by law be valid although made by parole only and not reduced into writing, may be made on parole on behalf of the Council by any person or persons duly authorized thereto by the Council.

(2) A contract made according to this section shall be effectual in law and shall bind the Council and all parties thereto and their legal representatives.

(3) A contract made according to this section may be waived or discharged in the same manner in which it is authorized by this section to be made.

33. 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 Act and as are within the knowledge of such person.

Returns and information.

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

Power to enter any land or premises.

of making any investigation or examination preliminary or incidental to the exercise of any power, or the discharge of any function, of the Council.

Offences and penalties.

35. (1) Every person who—

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

(b) fails or refuses to furnish any information or return required under this Act to 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 Act; or

(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 under this Act, 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 Act; or

(e) contravenes or fails to comply with any provision of this Act or rule made under 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 summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

This Act to prevail over other written law.

36. The provisions of this Act shall have effect notwithstanding anything contained in any other law, and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.