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2nd Session 1971-72



Agrarian Research and Training Institute Act, No. 5 of 1972

Date of Assent : February 12, 1972

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*Agrarian Research and Training Institute
Act, No. 5 of 1972*

L. D.—O. 11/71.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN
AGRARIAN RESEARCH AND TRAINING INSTITUTE AND
FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL
THERE TO.

[Date of Assent: February 12, 1972]

BE it enacted by the Queen's Most Excellent
Majesty, by and with the advice and consent of
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 Agrarian
Research and Training Institute Act, No. 5 of
1972, and shall come into operation on such date
as may be appointed by the Minister by Order
published in the *Gazette*.

Short title
and date of
operation.

PART I

CONSTITUTION, OBJECTS, POWERS AND FUNCTIONS
OF THE AGRARIAN RESEARCH AND TRAINING
INSTITUTE

2. (1) There shall be established an Institute
which shall be called the Agrarian Research and
Training Institute (hereinafter referred to as the
"Institute"), and which shall consist of the
persons who are for the time being members of
the Institute under section 6.

Establishment
of the
Agrarian
Research and
Training
Institute.

(2) The Institute 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 its corporate name.

(3) The members of the Board of Governors
shall be the members of the Institute.

3. (1) The general objects of the Institute
shall be—

General
objects of the
Institute.

(a) to foster, assist, encourage and co-operate
in agrarian research ;

(b) to co-ordinate agrarian research undertaken
by Government departments, local autho-
rities, public Corporations and other
institutions ;

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- (c) to carry out investigations and research relating to institutional factors affecting the development of agriculture ;
- (d) to undertake investigations, research and studies relating to economic use of land for agricultural purposes ;
- (e) to carry out socio-economic research relating to agricultural and rural development ;
- (f) to provide or implement training facilities and programmes relating to agrarian research, either alone or in association with other institutions in Ceylon or abroad and to award diplomas, degrees, prizes and distinctions in connection therewith ;
- (g) to sponsor and hold conferences and seminars, and publish journals and magazines in connection with agrarian research and training ;
- (h) to carry out such research relating to problems of agrarian structure in co-operation with Asian countries in order to serve their regional needs and provide a centre for the collection and dissemination of information on agrarian problems ; and
- (i) to relate such research to problems connected with agrarian development and modernization with special reference to Ceylon and other Asian countries in general.

(2) It shall be the duty of the Institute to advise the Minister on any or all of the matters referred to in sub-section (1) and on any other matter that may be referred to the Institute for advice by the Minister.

Powers of
the
Institute.

4. The Institute shall have such powers, rights and functions as may reasonably be necessary to carry out its objects and duties and in particular may—

- (a) acquire in any manner whatsoever and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property ;
- (b) acquire, establish, install and operate field training centres and pilot projects relating to agrarian research ;

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- (c) import plant, machinery and equipment required for the purpose of the Institute and receive equipment, funds, personnel and any other assistance for the efficient conduct of the Institute ;
- (d) conduct, assist, co-ordinate and encourage research into all aspects of agrarian development ;
- (e) levy fees or charges for any services rendered by the Institute ;
- (f) appoint, employ, remunerate and exercise disciplinary control over its officers and servants ;
- (g) establish and maintain provident funds and provide welfare and recreational facilities for its employees ;
- (h) make rules in respect of the administration of the affairs of the Institute ;
- (i) delegate to any member, the Director of the Institute, or any employee such functions as the Board of Governors may consider necessary for the efficient transaction of its business ;
- (j) make rules in relation to its officers and servants including the appointment, promotion, remuneration, disciplinary control, conduct and the grant of leave ;
- (k) enter any land or premises for the purpose of carrying out investigations and recording data, inspection of books and documents and taking copies or extracts therefrom, relating to agricultural development ; and
- (l) do all other things which in the opinion of the Board of Governors are necessary or conducive or incidental to the attainment of the objects of the Institute.

5. In the exercise of its powers and the carrying out of its objects, the Institute shall comply with the general policy of the Government in relation to agriculture and lands and with any general or special direction issued by the Minister in relation to such policy.

Institute to exercise its powers under the directions of the Minister.

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Constitution
of the Board
of Governors.

6. (1) The Institute shall have a Board of Governors (hereinafter referred to as the "Board"), consisting of—

- (a) a Chairman, who shall be the Permanent Secretary to the Ministry of Agriculture;
- (b) the following members appointed by the Minister, namely—
 - (i) a representative of the Ministry of Agriculture,
 - (ii) a representative of the Ministry of Planning and Employment,
 - (iii) a representative of the Ministry of Irrigation, Power and Highways,
 - (iv) a representative of the Ministry of Plantation Industry,
 - (v) a representative of the Ministry of Foreign and Internal Trade,
 - (vi) a representative of the Ministry of Education,
 - (vii) a representative of the Ministry of Labour,
 - (viii) a representative of the Central Bank of Ceylon,
 - (ix) a representative of the University of Ceylon; and
- (c) the following *ex officio* members, namely—
 - (i) the Director of Agriculture,
 - (ii) the Director of the Institute,
 - (iii) the Land Commissioner,
 - (iv) the Commissioner of Agrarian Services,
 - (v) the Director of Irrigation,
 - (vi) the Commissioner of Co-operative Development,
 - (vii) the Director of Rural Development,
 - (viii) the Country Representative of the Food and Agricultural Organization,
 - (ix) the Representative of the United Nations Development Programme in Ceylon, and

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(x) the Chief Advisor and Project Manager of the United Nations Special Fund, Agrarian Research and Training Institute Project in Ceylon.

(2) A person shall be disqualified for being appointed, or for continuing, as a member of the Board—

- (a) if he is a Member of Parliament ; or
- (b) if he, directly or indirectly, holds or enjoys any right or benefit under any contract made by or on behalf of the Institute ; or
- (c) if he has any such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Board.

(3) (a) Where a member of the Board appointed under paragraph (b) of sub-section (1) dies or resigns or is removed from office, the Minister may, having regard to the provisions of that paragraph of that sub-section, appoint another person to be a member in place of the member who dies, resigns or is removed from office.

(b) Any member of the Board appointed under paragraph (a) of this sub-section, shall, unless he earlier resigns or vacates his office by death or removal, hold office for the unexpired part of the term of office of the member whom he succeeds.

(4) Where a member of the Board appointed under paragraph (c) of sub-section (1) is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may, having regard to the provisions of that paragraph, appoint any person to act in his place.

7. (1) Every member appointed under paragraph (b) of sub-section (1) of section 6 shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of three years:

Term of office
of members of
the Board.

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

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(3) Every *ex officio* member of the Board shall be entitled to take part in the deliberations of the meetings of the Board, but shall not be entitled to vote at such meetings.

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

8. (1) The Minister may, if he considers it expedient to do so, remove, by Order published in the *Gazette*, any member of the Board appointed under paragraph (b) of sub-section (1) of section 6 without reasons stated.

(2) A member of the Board 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 under sub-section (1) shall not be called in question in any Court.

Resignation of
members of the
Board.

9. A member of the Board other than an *ex officio* member may at any time resign his office by letter addressed to the Minister.

Eligibility for
reappointment
as member
of the
Board.

10. Any member who vacates his office, other than a member who is removed from office under section 8, shall be eligible for reappointment.

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

11. No act or proceeding of the Institute shall be deemed to be invalid by reason only of the existence of any vacancy in the Board or defect in the appointment of any member of the Board.

Reimburse-
ment of
expenses of
members of the
Institute.

12. The members of the Institute shall not be paid any remuneration, but shall be reimbursed by the Institute for such travelling, hotel and incidental expenses as they may incur for the purpose of attending meetings of the Institute or for such other purpose connected with the activities of the Institute as may be approved by the Institute.

Meetings
of the
Institute.

13. Rules may be made under this Act in respect of the meetings of the Institute and the quorum therefor and for the procedure to be followed at such meetings.

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14. The Board shall administer the affairs, may exercise the powers, and shall perform the duties of the Institute.

Board to administer the affairs of the Institute.

15. (1) The Board may delegate to the Chairman or any other member or the Director of the Institute or any employee of the Board any of its powers and duties.

Delegation of powers and duties of the Board.

(2) The Chairman, other member, the Director or employee to whom any of the powers or duties of the Board have been delegated under sub-section (1) shall exercise or perform the powers and duties so delegated subject to general or special directions of the Board.

16. (1) The Minister shall appoint as Chairman of the Board, the Permanent Secretary to the Ministry.

Chairman and Vice-Chairman of the Board.

(2) The Minister may, in consultation with the Chairman, appoint a Vice-Chairman from among the members appointed by the Minister under paragraph (b) of sub-section (1) of section 6.

(3) If the Chairman or Vice-Chairman is, by reason of illness or other infirmity or absence from Ceylon, temporarily unable to perform the duties of his office, the Minister may appoint one of the members to act in his place.

(4) The Chairman, or in his absence the Vice-Chairman, shall preside at meetings of the Board and in the absence of both the Chairman and the Vice-Chairman, the member appointed by the Minister under sub-section (3) shall preside at meetings of the Board.

(5) Where there is an equality of votes on any matter or thing decided at a meeting of the Board, the Chairman at such meeting shall, in addition to his vote, have a second or casting vote.

PART II

APPOINTMENT OF THE DIRECTOR OF THE
INSTITUTE AND OTHER OFFICERS AND SERVANTS
OF THE BOARD

Employees of
the Institute.

17. (1) The Minister may appoint to the staff of the Institute a Director who shall be the chief executive officer.

(2) The Director shall execute or perform such powers, functions and duties delegated to him.

(3) The Minister may remove from office the Director appointed under sub-section (1) and such removal shall not be called in question in any Court.

(4) The Board may appoint to the staff of the Institute such other officers and servants as may be necessary for the purposes of the Institute.

Powers of the
Board in regard
to appointments
to the staff
of the
Institute.

18. (1) Subject to the other provisions of this Act, the Board may—

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

(b) fix the wages or salaries or other remuneration of the staff;

(c) determine the terms and conditions of service of such staff; and

(d) establish and regulate provident funds and 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
Institute.

19. (1) At the request of the Board any officer in the public service may, with the consent of that officer and of the Permanent Secretary to the Ministry in charge of the Minister to whom the subject of public administration has been assigned, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board with like consent or be permanently appointed to such staff.

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

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

(4) Where the Institute 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 Institute by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

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

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

20. (1) 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 Institute 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 Board of Governors of the Institute.

Appointment
of officers
and servants
of public
Corporations
to staff of
Institute.

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(2) Where any person is appointed whether temporarily or permanently under sub-section (1) to the staff of the Institute, he shall be subject to the same disciplinary control as any other member of such staff.

Officers and servants of the Institute deemed to be public servants.
Cap. 19.

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

Institute deemed to be a scheduled institution within the meaning of the Bribery Act.
Cap. 26.

22. The Institute 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.

PART III

FINANCE

Capital of the Institute.

23. (1) The initial capital of the Institute shall be such as may be made available to the Institute by the Government on such terms and conditions as may be determined by the Minister of Finance.

(2) The capital of the Institute may be increased from time to time by such amount as may be authorized by any Appropriation Act or by resolution of the House of Representatives, and that amount shall be paid or made available to the Institute by the Government by way of grant or loan on such terms and conditions as may be determined by the Minister of Finance.

Application of the provisions of the Finance Act, No. 38 of 1971.

24. The provisions of Part II of the Finance Act, No. 38 of 1971, shall, *mutatis mutandis*, apply to the financial control and accounts of the Institute.

Financial year of the Institute.

25. The financial year of the Institute shall be the calendar year.

PART IV

GENERAL

26. (1) Where any immovable property is required to be acquired for any purpose of the Institute 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 Institute.

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

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

27. (1) Where any immovable property of the Crown is required for the purpose of the Institute, 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 Institute.

Crown property both movable and immovable to be made available to the Institute.

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

28. The Government shall provide for the use of the Institute such land, building and other facilities as may be deemed necessary.

The Government to make available premises, etc., for the use of the Institute.

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

- (a) against the Board for any act which in good faith is done or purported to be done by the Board under this Act; or
- (b) against any member, officer, servant, or agent 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 Board.

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

(2) Any expense incurred by such person as is referred to in sub-section (1) in any suit or prosecution brought against him before any Court

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in respect of any act which is done by him under this Act or on the direction of the Board shall, if the Court holds that the act was done in good faith, be paid out of the funds of the Board.

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

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

Power of
Institute to
make rules.

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

(2) No rule made by the Institute shall have effect until it has been approved by the Minister.

Powers of the
Board or any
member thereof
or any employee
generally or
specially
authorized to
enter into or
upon any land
or premises.

32. It shall be lawful for the Board or any member of the Board or any officer or employee of the Board acting under the authority of the Board to enter into or upon any land or premises for investigation, recording data, and for ascertaining the growth or development of any agricultural crop on such land or premises.

Any person who
prevents or
obstructs
the Board, or
any member or
authorized
employee to
be guilty of
an offence.

33. Any person who prevents or obstructs the Board or any member of the Board or any officer or employee authorized by the Board in carrying out such entry, investigation or inspection as is referred to in section 32 shall be guilty of an offence under this Act.

Power to
acquire
information.

34. (1) The Chairman of the Board, a member, the Director of the Institute or any employee authorized in that behalf by the Board, may request any person to furnish information with regard to any matter within his knowledge relating to any movable or immovable property used or intended to be used for agricultural development or connected or incidental thereto.

(2) Any person who fails, without reasonable cause, to comply with the provisions of sub-section (1) or who furnishes information knowing such information to be false, shall be guilty of an offence under this Act.

Penalty for
offences.

35. Every person who commits an offence under this Act shall on conviction after summary trial before a Magistrate be liable to imprisonment

of either description for a period not exceeding six months or to a fine not less than five hundred rupees or to both such fine and imprisonment.

36. (1) The Minister may give special or general directions in writing as to the performance of the duties and the exercise of the powers of the Board, and the Board shall give effect to such directions.

Power of Minister to give special or general directions to the Board.

(2) The Minister may from time to time direct the Board to furnish to him in writing such information as he may require relating to agricultural development in the Island.

37. In this Act, unless the context otherwise requires, "public Corporation" means any corporation, board or other body which was or is established by or under any written law, other than the Companies Ordinance, with capital wholly or partly provided by the Government by way of grant, loan or other form.

Interpretation.