

මගේ අංකය: කේ.ඊ/20(විවිධ)
අධ්‍යයන හා සංස්කෘතික අමාත්‍යාංශය,
"සිරිමත්පාය",
ශ්‍රීමත් අර්නස්ට් ද සිල්වා මාවත,
කොළඹ 3,
1964 ජූනි මස 5 වැනි දින.

ආචාර්ය. ආර්. ඩී. ඩී. වික්‍රමසේන මහතා,
වෛද්‍ය ජනප්‍රිය ආයතනය, කොළඹ.

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ජාතික(විද්‍ය) පර්යේෂණ මණ්ඩලය.

ජාතික විද්‍යා පර්යේෂණ මණ්ඩලයක් පිහිටුවීම සඳහා 1964 අප්‍රියෙල් මස 1 වැනි දින පැවැත් වූ මූලික රැස්වීමට අමතරවයි.

යටේකිත් කාරණය හා අදාළ පහත දැක්වෙන ලේඛන මේ සමග එවා ඇත.

1. වාර්තාව හා කෙටුම් පත් පනත.
2. කෘෂිකර්ම ආහාර හා සමුපකාර අමාත්‍යාංශයේ ස්ථීර ලේකම් තැන්පත් බී. මහාදේව මහතාගේ එකඟ නොවීමේ අදහස්.

ඉහත සඳහන් කරුණු සලකා බැලීම සඳහා රැස්වීමක් 1964 ජූනි මස 15 වැනි සඳුදා පස්වරු 3.00 ට ජාතික ක්‍රම සම්පාදක කාර්යාලයේ රැස්වීම් ශාලාවේදී පැවැත්වීමට තීරණය කොට ඇත.

එබැවින් එම රැස්වීමට ඔබගේ පැමිණීම උදක්ම බලාපොරොත්තු වෙමි.

ආර්. ඩී. ඩී. වික්‍රමසේන මහතා
ලේකම්.
යුනෙස්කෝ ජාතික කොමිසම.

අත්සන් කළේ: එම්.ජේ. පෙරේරා.
අධ්‍යයන හා සංස්කෘතික අමාත්‍යාංශයේ
ස්ථීර ලේකම්.

පිටපත: ලේකම්, ලංකා විද්‍යා පර්යේෂණ මණ්ඩලය.

ඇ/-5.

(English Version
Overleaf)

NATIONAL RESEARCH COUNCIL

In ~~consequence~~ ^{connection} with the decision made at the meeting held on 1.4.64, I forward herewith -

1. Report of the Draft Act
2. A Dissenting view by Mr.B.Mahadeva, Permanent Secretary, Ministry of Agriculture, Food and Co-operatives

A meeting will be held on Monday, the 15th June 1964 at 3 p.m. at the office of the National Planning Secretariat, Galle Buck, Colombo 1, to consider these subjects.

I shall be glad if you would be so good as to be present at this meeting.

(sgd) T.C. i. Ekanayaka
Secretary
Unesco National Commission.

Sgd: M.J. Perera
S/E & C.A.

Dr. R.O.B. Wijesekara.
.....

The present proposal to have a National Research Council emerged from a resolution of the General body of the Ceylon Association for the Advancement of Science urging the Government to appoint a Science Commission "to investigate the facilities at present available in Ceylon for scientific and technical research development, how these should be co-ordinated and extended, and to formulate a scientific policy for the country." *The CAAS proposed an NRC and forwarded a memo*

This resolution was brought to the notice of the Hon. Prime Minister and the Hon. Minister of Industries, Home and Culture by the Ceylon Association for the Advancement of Science in May 1962.

Action was initiated by the Hon. Minister of Industries, Home and Cultural Affairs. A Cabinet paper proposing the appointment of a Science Commission of 5 Members as a step preliminary to the setting up of National Research Council was prepared by the Ministry of Industries, Home and Cultural Affairs. The setting up of a Science Commission was approved by the Cabinet in November 1963.

Subsequently the Hon. Prime Minister had discussions with the Director of ^{the} Unesco Science Co-operation Office, New Delhi, the Permanent Secretary to the Ministry of Commerce and Industries and the Permanent Secretary to the Ministry of Education and Cultural Affairs. It was decided then by the Hon. Prime Minister that it was not necessary to appoint a Science Commission to set up a National Research Council. It was considered that a conference representative of various Departments and organizations conducting research should be convened and that the decisions should be communicated to the Hon. Prime Minister.

Accordingly, as agreed between the Permanent Secretary, Ministry of Education & Cultural Affairs and the Director, National Planning Secretariat, a meeting was convened on 1.4.64 to which were invited the following:-

Representatives from the following Ministries:-

Ministry of Transport & Works,
Ministry of Agriculture and Food,
Ministry of Land, Irrigation & Power,
Ministry of Posts, Broadcasting and Information,
Ministry of Health,
Ceylon Association for the Advancement of Science- 3 Reps.
Director, CISIR, or his representative;
2 Representatives- University of Ceylon, Peradeniya.
Controller, Economic Division,
Mr. Clark, Chief of Unesco Mission
Director, National Planning,
Secretary, National Commission, Unesco.

The meeting, at which the Permanent Secretary to the Ministry of Education and Cultural Affairs presided, discussed the proposal and decided to appoint a Sub-Committee as follows to prepare the draft proposals for the establishment of a National Research Council for submission to the Hon. Prime Minister.

The Sub-Committee comprised:-

1. Permanent Secretary, Ministry of Education & Cultural Affairs.
2. Proff. O.E.R. Abhayaratna, Dean of the Faculty of Medicine
3. Dr. N.G. Baptist, Representative of the C.A.A.S.
4. Mr. B. Mahadeva, S/A & F.
5. Mr. A.S. Navarathnarajah- Director^{of} Development,
6. Mr. A.O. Weerasinghe, Senior Assistant Secretary M/L.I.P.
7. Dr. Sundaralingam, Director, CISIR.

with Mr. T.C.I. Ekamayake, Secretary, National Commission, Unesco to function as Secretary of the Sub-Committee.

The Sub-Committee met on four occasions and has prepared a Draft Act for the setting up of a National Research Council in Ceylon. The draft Act is herewith forwarded.

An Act to provide the establishment of the
National Research Council of Ceylon and all
matters connected therewith

Short Title

1. This Act may be cited as the National Research Council of Ceylon Act No. of 1964.

Establishment
of the National
Research Council
of Ceylon

2. (i) There shall be established, in accordance with the provisions of this Act, a Council which shall be called the National Research Council of Ceylon, hereinafter referred to as "the Council".

(ii) The National Research Council of Ceylon shall, in that name, be a body corporate consisting of the persons for the time being holding office as members of the Council as hereinafter provided, and shall have perpetual succession and a common seal and may sue and be sued in its common name.

(iii) The headquarters of the Council shall be in Colombo or in such other place in Ceylon as may be decided by the Council.

Functions
of the
Council

3. The functions of the Council shall be -

- (a) to advise the Prime Minister on the application of Science and scientific research to problems of national importance for the general benefit of the community.
- (b) to advise the Prime Minister on the co-ordination of Research in the various areas of scientific work with a view to directing scientific work into channels vital for national progress.
- (c) to initiate, promote and intensify fundamental and applied research with the object of developing the economic resources of the country and of promoting the well-being of the people.
- (d) to keep under review the country's needs for trained, scientific and technical personnel and to advise the Prime Minister on steps to maintain an adequate supply of such personnel.
- (e) to collect and disseminate information relating to Scientific and technical matters and to publish scientific and technical reports, periodicals and papers.
- (f) to establish and maintain liaison with Scientific institutions in other countries in matters of scientific research and interest.
- (g) to advise the Prime Minister on matters of scientific policy and on any other connected matters referred to it by the Prime Minister including the allocation of funds for scientific research.

Powers of the Council

4. (i) The Council shall have powers -

- (a) to perform all such acts as may be necessary for or incidental to the carrying out of its functions;
- (b) to make all appointments necessary for the efficient discharge of its functions on such terms and conditions as it may decide; and within such terms, to suspend, dismiss or otherwise punish persons in its employ;
- (c) to institute and award research fellowships, studentships, scholarships, prizes and medals for scientific work.
- (d) to erect, equip, and maintain research units and laboratories either independently or in association with organizations engaged in scientific research, both in the public and private sector and to keep the principal standards.
- (e) to make grants in aid of specific research projects in any scientific institution or department;
- (f) to establish a research fund for the promotion of scientific research and development to which gifts, grants and bequests may be made by individuals and corporate bodies; grants should, as approved donations, be free from income tax;
- (g) to frame rules and regulations necessary to carry out its objectives;
- (h) to acquire and hold any property movable or immovable required for the purpose of its functions and to hold and enjoy the property so acquired;
- (i) to acquire by gift, grant, bequest or devise any such property for the purpose of this Act and to agree to any condition of such gift, grant, bequest or devise.

(ii) All property, movable or immovable, acquired or held by the Council and all monies paid to or received by the Council under this Act shall be used and applied by the Council in furtherance of the objects of the Council and the Council shall have the power from time to time, to sell, grant, convey, devise, assign, exchange or otherwise dispose of or mortgage any such property and to invest its funds in such manner as may be necessary and expedient.

(iii) The Prime Minister may, by order, vest in the Council for the purpose of this Act and subject to restrictions, conditions and prohibitions of any nature whatsoever relating to use, occupation, or disposition as may be specified in the Order, any land or building acquired for a public purpose under the provisions of any law now or hereinafter to be in force for the acquisition of private lands for public purpose or any other Crown land.

(iv) The Prime Minister may, by Order, transfer to the Council such fixtures and movable property belonging to the Crown as may be specified in Order and any fixtures or movable property specified in any such Order shall, with effect from such date as may be appointed, thereby vest in and be the property of the Council.

5. (i) The Council shall consist of twenty-one (21) members.

(a) Ex-officio members - The Prime Minister who shall be the Chairman. A Vice-Chairman who shall be a member of the Cabinet and appointed by the Prime Minister.

- I Chairman
- II Vice chairman
- III Secretary - General.

The Secretary - G. shall be a Scientist with ^{considerable} experience in Research and actively engaged in directing and conducting Scientific Research. He shall be a full time officer.

The Secretary-General of the Council/ ^{who shall be a Scientist and who} shall be appointed by the Council with the concurrence of the Prime Minister. (The first Secretary-General shall be appointed by the Prime Minister in consultation with the Ceylon Association for the Advancement of Science.)

(b) Appointed Members

- (i) 3 members to be appointed by the Prime Minister to represent scientific activity in the private sector.
- (ii) 3 members appointed by the Prime Minister representing socio-economic interests.

(11) 3 members to be appointed by the Prime Minister in consultation with the Ceylon Association for the Advancement of Science.

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(iii) 12 persons who shall be scientists. In the appointment of these 12 persons, the Prime Minister shall include at least one to represent each of the following research categories:-

Earth - Science
Adcl. *Earth - Sciences Research*
Civil - Engineering
Drainage & Irrigation
Plantation Crops

Chemical ?
Veterinary
Forestry

Physical Science Research */ biology.*
 Biological Science Research,
 Agricultural Research,
 Industrial Research,
 Medical Research, and
 Social Science Research.

In the appointment of these 12 scientists, the Prime Minister shall consult recognised scientific bodies.

(ii) (a) Every member of the Council appointed under paragraph (b) of Sub-section (i) of this Section shall hold office for a period of three years and shall be eligible for reappointment.

(b) In the first Council, one third (1/3rd) of the number of non ex-officio members will retire at the end of the first year and one third (1/3rd) at the end of the second year.

||
 2/3 majority. (iii) The Prime Minister, either on her own initiative or on the advice of the Council, may remove any member of the Council - other than an ex-officio member.

(iv) In the case of absence of over three months of a member appointed under sub-section (i) (b) and (ii) (b), the Prime Minister may appoint on the advice of the Council a person to act in place of the member during his absence and the deputy, while so acting, shall have and may exercise all the powers and functions of a member.

(v) Any non ex-officio member appointed under sub-section (i)(b) and (ii) (b) of this section, who is absent from three successive meetings of the council without leave of the Council shall be deemed to have automatically lost his membership in the Council; and the Prime Minister, on the advice of the Council, may thereupon appoint a person to fill such vacancy thereby for the unexpired period of membership.

6. (i) A meeting of the Council shall be held once at least in every two months.

(ii) The quorum of the meeting of the Council shall be 10 members.

(iii) Subject to the preceding provisions of this section the Council shall make rules and regulation relating to the procedure followed at its meetings and the conduct of its functions and activities.

Expenses of Members

7. (i) Subject to such special rules as may be framed for this purpose by the Council, the Council may pay to any of its members any expenses actually incurred by such members for the purpose of performance of his duty as a member.

^{Save} (ii) As provided in sub-section (i) of this Section, no member of the Council other than the Secretary-General, shall be entitled to any remuneration or allowance for work done by him as a member.

Staff

8.(i) The Secretary-General shall be the Chief executive officer of the Council, and shall be a full time officer.

(ii) The Council may appoint such other officers and such servants as the Council considers necessary for the purpose of this Act.

Does this include employees of the Council in Research Institute run by itself.

(iii) The remuneration and conditions of service of the officers and servants of the Council shall be such as may be determined by the Council.

(iv) At the request of the Council, any officer in the public service may, with the consent of that officer and of 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. The provisions of sub-sections (2) and (3) of section 26 of the Government-Sponsored Corporations Act No.19 of 1955, shall, mutatis mutandis, apply in relation to any officer in the public service who is temporarily or permanently appointed to the staff of the Council.

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.

9. Provident Fund.

CISIR Act No 15 of 1955

Item 28.

10/

The Council shall have its own fund
All moneys received by the C including
such sums as may be voted by
Parliament for the use of the C.
shall be credited to the fund and all
payments made by the Council shall be
therefrom.

9. As soon as convenient, after the date on which this Act comes into operation, the Government shall make a contribution of one million rupees for the purpose of defraying the expenses of the Council under this Act.

1. The Council shall cause its accounts for each Financial year to be kept in such form and manner as may be approved by the Minister* with the concurrence of the Minister of Finance.
2. The Financial Year of the Council shall be the year commencing October 1st.
3. An estimate of the income and expenditure of the Council for the ensuing financial year shall be submitted before the 15th March of each financial year for the approval of the Minister.
4. 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.
5. (a) The Accounts of the Council shall be audited annually by an Auditor (hereinafter referred to as the Auditor) appointed by the Minister on the advice of the Auditor General. The Auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The Auditor shall receive such remuneration from the funds of the Council as the Minister may determine with the concurrence of the Minister of Finance.
- (b) The Auditor-General shall have power -
 - (i) to direct the manner in which the Council's accounts shall be audited by the Auditor; and to give the Auditor instructions in regard to any matter connected with the performance of his functions as the Auditor; and
 - (ii) to conduct a supplementary or test audit of the Council's accounts by such person or persons as the Auditor-General may authorise in that behalf, and for the purpose of such audit, to require information or additional information to be furnished to any person or persons, and in such form, as the Auditor General may, by general or special Order, direct.

*Account
Books
India 489 x 106
Ceylon 12 x 106
Block Grant*

Finance Office

*The Council
(?)*

III

(8) The Auditor-General and the Auditor or any officer authorised by either of them shall have ~~the~~ access to all such books, deeds, contracts, accounts, vouchers and other documents of the Council as the Auditor-General or Auditor may consider necessary for the purpose of the audit, and shall be promptly furnished by the Council or its officers with such information within their knowledge as may be required for such purpose.

VI 6. The accounts of the Council in respect of each financial year shall be prepared and rendered to the Auditor referred in sub-section (5) before the expiry of a period of six months after the end of such financial year.

VII 7. The Auditor shall examine the accounts of the Council and furnish a report stating -

- (i) whether he has or has not obtained all the information and explanations required by him; and
- (ii) whether the balance sheet and 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.

VIII 8. The Auditor shall submit his audit report to the Auditor-General who shall have the right to comment upon or supplement the audit report in such manner as he may think fit.

IX 9. The Auditor-General shall transmit the audit report together with his comments upon, or his supplement to such report to the ~~President.~~ *Chairman. Secretary - General.*

(11) ~~10.~~ *Secretary - General* The Council shall, on receipt of the Auditor's Report in each year, transmit to the Minister -

- (a) a copy of such report together with the Auditor-General's comments, if any, upon, and his supplement, if any, to such report.
- (b) a copy of the income and expenditure account;
- (c) a copy of the balance sheet; and
- (d) a report of the Council on the work performed by it for ~~the period for~~ which the income and expenditure account and the balance sheet have been made up.

(12) 11. The Minister shall cause copies of all the documents specified in the last preceding sub-section to be laid before the House of Representatives and the Senate.

* Note Minister means the Prime Minister.

ANNEX

Dissenting view

Mr. Mahadeva expressed the view that, if the Prime Minister was to be the Chairman of the Council, it was both necessary and desirable that other Ministers whose Ministries were directly concerned with research, should also be members of the Council. He suggested that, in addition to the Prime Minister, the Ministers in charge of Agriculture, Industries, Fisheries, Health and Education should be ex-officio members of the Council. With the inclusion of these four additional ex-officio members (one Minister other than the Prime Minister was already included as an ex-officio member in the Committee's draft Bill) the number of non ex-officio members could be reduced by the deletion of the 3 members whose inclusion to represent so-called "Socio-economic interests" has been suggested in the Committee's draft Bill, and by the reduction in the number of scientific members by one. This would leave the total number of members on the Council unchanged.

Mr. Mahadeva stated that he made this suggestion because-

- (i) it was very necessary that the Ministers whose Ministries would eventually have to implement the recommendations of the National Research Council, particularly in the fields of agricultural, industrial, fisheries and medical research, should be closely associated with the development and discussion of the plans which come before the Council;
- (ii) it would reduce the possibility of antagonism developing between the Council and the Government Research Department and other research agencies (i.e. the University, Research Institutes^{et}) through which the major part of the Island's scientific research would have to be conducted, and ensure that the Council's proposals were speedily implemented by these Departments and agencies;
- (iii) it was ~~unfair and undesirable~~^{not correct} to require the Prime Minister to preside at meetings of the Council, consisting almost exclusively of experts in special fields, without the assistance of her Ministers who were in charge of research in these fields.

Ministers
not experts
Peer Sec
too
They would
depend on advice from their
be represented on NRC.
This is allowed.

Direct access of Scientists to PM broken if
who would in the original suggestion
Direct access of Scientists to PM broken if
this is allowed.

With the granting of political independence to Ceylon it became necessary for the machinery of government to be reorganised to effect the satisfactory transition from a colonial state to an independent nation. Accordingly the CAAS felt that the scientific resources too should be organised in a manner that would serve the best interests of our country. The question of creating a body which would have overall responsibility for the formulation of a national scientific policy for the country was discussed by the CAAS. This resulted in the CAAS
1949 presenting a memorandum for the creation of a Council of Scientific and Industrial Research to Ceylon's first Prime Minister, Mr D.S.Senanayake. The Association even drew up a draft bill to be presented in Parliament based on a similar bill prepared in India. Whereas in India a Council of Scientific and Industrial Research was immediately created, no such action was taken by the Government of Ceylon. A few years later a
1952 delegation from the CAAS interviewed Mr Dudley Senanayake, Prime Minister, and urged him to take necessary action to see that a Research Council on the lines indicated in the CAAS memorandum was formed.

1953 However some years later the matter was again taken up with the Government who decided to seek World Bank aid for the project. This move went askew ultimately resulting in the creation of an Institute for Scientific and Industrial Research (which is the CISIR); the original idea for the creation of a policy formulating body to bear overall responsibility for the scientific activity in the country was lost.

Yet once again the CAAS took up this problem of the proper organisation of science in this country, because the CAAS was convinced that until and unless such a body was created scientific activity in this country would remain untapped and unfertilised, causing a severe blow to the economic aspirations of our people. By now it also had before it the evidence of progress made in the neighbouring countries of India and Pakistan.

1961
1963 The CAAS memorandum on the creation of an NRC was submitted to the Minister of Industries, Mr Maithripala Senanayake. Mr Senanayake was convinced not only of the need for such a body but also that it should be constituted by an Act of Parliament with the necessary powers and funds to carry out its work. A Cabinet Paper on the creation of an NRC was drawn up and presented by Mr Senanayake and the Cabinet was made aware of the urgent need for such a body. In discussion with the CAAS the Minister accepted a CAAS proposal that a "Science Commission" should precede the creation of such a body. The Minister embodied this proposal in his Cabinet Paper. At the Minister's request the CAAS explored the possibility of getting UNESCO aid in the form of suitable high-level experts to serve on such a Commission. It was found that UNESCO was most willing to grant aid to Ceylon in the way requested by making available to Ceylon scientists who would be nominated by the Government. Subsequently UNESCO offered to pay the expenses for a Ceylon scientist to attend the Regional Meeting of Representatives of National Scientific Research Organisations of South and South East Asia Regions in Canberra
1964 (Feb.17 - 21). This opportunity was avidly accepted and Ceylon's delegate who attended was Dr N.G.Baptist.

1965 While declaring open the 19th Annual Session of the CAAS last November the Prime Minister, Mrs Bandaranaike, announced her intention of constituting an NRC without further delay. Following this the P.M. held at Temple Trees a meeting attended by the Permanent Secretaries of the Ministries of Education & Cultural Affairs and Trade & Commerce, the CAAS General President and Mr J.Swarbrick, Director, UNESCO-SASCO, who was then in Ceylon. The P.M. was of the view that an NRC should be constituted forthwith and the preliminaries decided upon before expert help was sought from international organisations. She had requested the Permanent Secretary, Ministry of Education & Cultural Affairs, to call up a meeting of all heads of technical departments, Permanent Secretaries, representatives of the CAAS, and draw up the draft Act.

(To be incorporated in the draft act to be submitted to PM)

R.O.B.Wijesekera
Hony General Secretary.

15th June 1964.

NATIONAL RESEARCH COUNCIL OF CEYLON.

With the granting of political independence to Ceylon it became necessary for the machinery of government to be reorganised to effect the satisfactory transition from a colonial state to an independent nation. Accordingly the Ceylon Association for the Advancement of Science felt that the scientific resources too should be organised in a manner that would serve the best interests of our country. The question of creating a body which would have overall responsibility for the formulation of a national scientific policy for the country was discussed by the CAAS as early as 1950. This resulted in the CAAS presenting a memorandum for the creation of a Council of Scientific and Industrial Research to Ceylon's first Prime Minister, Mr. D.S. Senanayake. The Association even drew up a draft bill to be presented in Parliament based on a similar bill prepared in India. Whereas in India a Council of Scientific and Industrial Research was immediately created, no such action was taken by the Government of Ceylon. A few years later a delegation from the CAAS interviewed Mr. Dudley Senanayake, Prime Minister, and urged him to take necessary action to see that a Research Council on the lines indicated in the CAAS memorandum was formed.

However some years later the matter was again taken up with the Government who decided to seek World Bank aid for the project. This move went askew ultimately resulting in the creation of an Institute for Scientific and Industrial Research (which is the CISIR); the original idea for the creation of a policy formulating body to bear overall responsibility for the scientific activity in the country was lost.

Yet once again the CAAS took up this problem of the proper organisation of science in this country, because the CAAS was convinced that until and unless such a body was created scientific activity in this country would remain untapped and unfertilised, causing a severe blow to the economic aspirations of our people. By now it also had before it the evidence of progress made in the neighbouring countries of India and Pakistan.

The CAAS memorandum on the creation of an NRC was submitted to the Minister of Industries, Mr. Mathripala Senanayake. Mr. Senanayake was convinced not only of the need for such a body but also that it should be constituted by an Act of Parliament with the necessary powers and funds to carry out its work. A Cabinet Paper on the creation of an NRC was drawn up and presented by Mr. Senanayake and the Cabinet was made aware of the urgent need for such a body. In discussion with the CAAS the Minister accepted a CAAS proposal that a "Science Commission" should precede the creation of such a body. The Minister embodied this proposal in his Cabinet Paper. At the Minister's request the CAAS explored the possibility of getting UNESCO aid in the form of suitable high-level experts to serve on such a Commission. It was found that UNESCO was most willing to grant aid to Ceylon in the way requested by making available to Ceylon scientists who would be nominated by the Government. Subsequently UNESCO offered to pay the expenses for a Ceylon scientist to attend the Regional Meeting of Representatives of National Scientific Research Organisations of South and South East Asia Regions in Canberra (Feb. 17 - 21, 1964). This opportunity was avidly accepted and Ceylon's delegate who attended was Dr. N.G. Baptist.

While declaring open the 19th Annual Session of the CAAS last November the Prime Minister, Mrs. Bandaranaike, announced her intention of constituting an NRC without further delay. Following this the Prime Minister held at Temple Trees a meeting attended by the Permanent Secretaries of the Ministries of Education & Cultural Affairs and Trade & Commerce, the CAAS General President and Mr. J. Swarbrick, Director, UNESCO-SASCO, who was then in Ceylon. The Prime Minister was of the view that an NRC should be constituted forthwith and the preliminaries decided upon before expert help was sought from international organisations. She had requested the Permanent Secretary, Ministry of Education & Cultural Affairs, to call up a meeting of all heads of technical departments, Permanent Secretaries, representatives of the CAAS, and draw up the draft Act.

Accordingly, as agreed between the Permanent Secretary, Ministry of Education & Cultural Affairs and the Director, National Planning Secretariat, a meeting was convened on 1.4.64 to which were invited the following :-

Representatives from the following Ministries :-

Ministry of Transport & Works,
Ministry of Agriculture and Food,
Ministry of Land, Irrigation & Power,
Ministry of Posts, Broadcasting and Information,
Ministry of Health,
Ceylon Association for the Advancement of Science - 3 Representatives,
Director, CISIR, or his representative;
2 Representatives - University of Ceylon, Peradeniya.
Controller, Economic Division,
Mr. Clark, Chief of Unesco Mission;
Director, National Planning,
Secretary, National Commission, Unesco.

The meeting at which the Permanent Secretary to the Ministry of Education and Cultural Affairs presided discussed the proposal and decided to appoint a Sub-Committee as follows to prepare the draft proposals for the establishment of a National Research Council for submission to the Hon' Prime Minister.

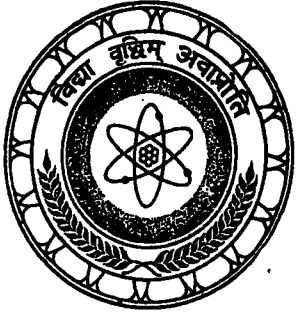
The Sub-Committee comprised :-

1. Mr.M.J.Perera, Permanent Secretary, Ministry of Education and Cultural Affairs, (Chairman).
2. Prof. O.E.R.Abhayaratna, Dean of the Faculty of Medicine.
3. Dr.N.G.Baptist, Representative of the C.A.A.S.
4. Mr.B.Mahadeva, Permanent Secretary, Ministry of Agriculture & Food.
5. Mr.A.S.Navarathnarajah, Director of Development.
6. Mr.A.O.Weerasinghe, Senior Assistant Secretary, Ministry of Land, Irrigation and Power.
7. Dr.A.Sundaralingam, Director, CISIR.

with Mr.T.C.I. Ekanayake, Secretary, National Commission, Unesco to function as Secretary of the Sub-Committee.

The Sub-Committee met on four occasions and prepared a Draft Act for the setting up of a National Research Council in Ceylon.

A meeting of those invited to the earlier meeting on 1.4.64 was then convened. At this meeting held on 15.6.64 the draft act was approved with certain amendments and additions.



CEYLON ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

55, Torrington Square, Colombo 7

To **Mr A.L. Perera**
Permanent Secretary
Ministry of Education.

From **Dr R. J. B. Wijesekera**
General Secretary.

13

Telephone 95114

Date **25th June 1964**

Reference

Yours: -

Ours: **RJC.**

Subject

National Research Council.

Dear Sir,

I submit the comments of our delegation on the dissenting view of Mr B. Mahadeva on the proposed Draft Act for the creation of a National Research Council for Ceylon.

I trust that our comments will be submitted to the Hon the Prime Minister along with the Draft Act and the dissenting view.

Yours faithfully,

R. O. B. Wijesekera

9 - 7

(13)

Proposed Draft Act for the creation of a National Research Council for Ceylon.

COMMENTS ON THE DISSENTING VIEW OF MR. B. MAHADEWA, by members of the delegation representing the Ceylon Association for the Advancement of Science.

1. The National Research Council as envisaged in the draft act -- accepted by all save the dissentient -- is an advisory and planning body taking on the execution of only such projects for which no provision exists already.

2. When the dissentient states that he considers it very necessary that the Ministers whose ministries would eventually have to implement the recommendations of the National Research Council should be closely associated with the discussion of the plans which come before the Council he seems to be thinking in terms of general scientific planning rather than of the organisation and direction of scientific research. The dissentient also states that it is not correct to require the Prime Minister to preside at meetings without the assistance of the Ministers in charge of research in those fields. We are unable to see the point of this argument. The Ministers are in charge of research only in a very general and remote sense. Such views that they could express in the Council would be factual and expressive of their hopes and intentions for the future. The National Research Council would not embark on the scientific discussion of a subject without ascertaining the background facts and information and the views of the relevant ministry would naturally be obtained beforehand. It would be a sheer waste of a Minister's time to attend the meetings of the Council merely for the purpose of keeping the Council informed of facts which can be obtained in writing beforehand.

3. It would be the duty of a National Research Council to maintain close collaboration with government departments conducting research within the various ministries. It is however neither practicable nor desirable for the respective Ministers to be members of the Council.

4. If the dissentient's argument is conceded it would be necessary for at least half the cabinet -- at a conservative estimate -- to be in the Council, which would give the Council the appearance of a Cabinet Sub-Committee with scientific advisers.

5. It is a fact that the general practice in National Research Councils of this type in developing countries today, is to have the Prime Minister as Chairman. This automatically ensures a high priority for decisions taken by the Council.

6. Any argument based on the innuendo that the Prime Minister being a layman is not knowledgeable on matters concerning scientific research is ludicrous, for, by the same token, it may be argued that the Ministers themselves are unversed in science. There is no evidence to support any claim that the Ministers, or for that matter their chief executives the permanent secretaries are appointed to their respective ministries on the basis of any specialised scientific knowledge. For this knowledge they either consult the scientists in their departments -- who as we conceive ^{it} would be represented in a National Research Council -- or consult expert opinion abroad.

7. Necessary action arising out of the Research Council's recommendations would have to receive the sanction and cooperation of the Ministry concerned; for this purpose the ministry and their scientific specialists would be consulted. There would be opportunities for all view-points to find expression.

The dissentient suggests the possibility of antagonisms between

the Council and the departments within the Ministries. This implies that Ministers are likely to be disloyal to their Chief. The Prime Minister as Chairman of the Council is a safeguard against such unlikely contingencies for it will be the duty of all departments and agencies to cooperate with the Council because requests from the Council would come through the Prime Minister.

Apart from these considerations we would emphasise that the primary function of the Council is to assist and stimulate all scientific research and if necessary to remove antagonisms where they exist.

8. It must also be borne in mind that the government is not the only sector involved in scientific research. Other organisations such as quasi-government and non-government organisations are involved.

9. The dissentients' proposal to omit representation from the socio-economic sphere will deprive the Research Council of eminent men who are aware of the needs of society and the economic possibilities within which projects can be carried out.

If the desired goal is to be achieved then the field of socio-economics must find representation, as otherwise the projects both research and development will be out of context with living reality.

10. One of the chief functions of the Research Council will be to ensure that the programmes of research are drawn up by the most knowledgeable persons in the field, the scientists themselves. It is the scientists who will be called upon to execute the programmes of work and it is they and only they who will be able to correctly advise the government regarding the manner in which scientific work should proceed in the best interests of the country.

This is a privilege afforded to many other spheres of activity in the country for example the administrative and legal spheres,

This itself is in

How true is this for a western-oriented scientific elite, — a disarticulate segment of an underdeveloped society?

and it is a privilege which for so long has been denied to the scientists much to the detriment of the country's interests.

11. The presence of Ministers in the Council is likely to inhibit free expression of views by departmental officers and may stand in the way of a detached scientific and impersonal approach to problems under examination by the Council.

For the reasons elaborated above, the Ceylon Association for the Advancement of Science would adhere to the original section in the proposed draft on which the dissenting view has been put forward. This (Section 5 : Membership.) has been accepted by everybody save the dissentient, Mr B.Mahadeva.

We wish to completely dissociate ourselves from the dissenting view as it is contrary both in spirit and principle to the pattern of a National Research Council. This view is completely removed from the ideas the Ceylon Association for the Advancement of Science had in mind when it first proposed the creation of such a Research body for Science . Nothing that has happened in the history of our country since that time has given us cause to change our thinking on this subject .

Jayal
N.D.WIJESEKERA

N.G. Baptist
N.G.BAPTIST

R.O.B. Wijesekera
R.O.B.WIJESEKERA.

25th June 1964.

Ministry of Agriculture, Food & Fisheries,
330, Union Place,
Colombo 2.

15

25th July, 1964.

My dear M.J.,

National Research Council.

I am writing with reference to your letter No.KE/20(Misc) of 23rd July, 1964, on the above subject.

2. It would appear from the documents annexed to your letter that there has been some misunderstanding regarding the suggestions I made in the note annexed to the Sub-Committee's report. I have therefore set out my views on the subject in slightly more detail in the revised note which I am sending herewith. Please circulate it to the members of the Sub-Committee and include it as an Annex to the Sub-Committee's report.

3. In the comments made by Dr. N.D. Wijesekera, Dr. N.G. Baptist and Mr. R.O.B. Wijesekera, it is stated that none of the members of the Sub-Committee accepted my views on the membership of the Council. This is not correct. I have spoken to Mr. A.O. Weerasinghe, representative of the Lands Ministry on the Sub-Committee, and Mr. A.S. Navarathnarajah, representative of the Ministry of Industries, both of whom state that they are in agreement with the views set out in the Annex to this letter. Messrs. Weerasinghe and Navarathnarajah and I suggest that you call a final meeting of the Sub-Committee to discuss this matter before the Sub-Committee's report is signed.

4. I am sending you extra copies of this letter and its Annex so that you can circulate them to the members of the Sub-Committee.

Yours sincerely,

(B. Mahadeva)

M.J. Perera, Esq.,
Permanent Secretary,
Ministry of Education and Cultural Affairs,
COLOMBO 3.

3. The Prime Minister is there as chairman just so that Ministers do not reject recommendations of NRC in summary fashion. They would have to give clear and sound reasons why the NRC decision is not to be desired. The PM could then either overrule NRC or overrule the Minister. Surely no one could deny the PM the right to decide whose version is to prevail; and only the PM could do that.

A N N E X

NATIONAL RESEARCH COUNCIL.

Scientific research work in Ceylon is at present conducted mainly by Government-financed bodies like the Universities, Government Departments and Government-sponsored Research Institutes (e.g. the Medical Research Institute, the Tea Research Institute, the Agriculture Department Research Division, the Fisheries Department Research Division and the Ceylon Institute of Scientific and Industrial Research). These organisations are all directly or indirectly under Government control. Very little (if any) research is done by privately financed bodies in Ceylon. In the future, too, scientific research work in Ceylon is likely to be done mainly in the public sector.

2. Before a National Research Council is established in Ceylon, it is very necessary to determine the precise relationship which should exist between the Council and these existing and future research organisations which are under the control of individual Ministers. Will the National Research Council's functions be primarily advisory, or will the National Research Council have effective powers of control over these research organisations, including in particular the power to allocate funds? To take a concrete example, the National Research Council may feel that the Tea Research Institute is spending too much money on a particular line of research and decide that this money could be more usefully diverted to work in a particular field of fisheries research. If the National Research Council, after considering the matter, makes a decision to this effect, is this decision to be treated as a recommendation to the Minister or Ministers concerned, or will it, in effect, be a directive to them?

3. If the National Research Council is to be a primarily advisory body and the Ministers concerned would have the right to accept or reject the recommendations made by the National Research Council, then it would be clearly inappropriate for the Prime Minister to be Chairman of the Council. ??

Non-sense

4. If, on the other hand, the Council's decisions are, in effect, in not in form, directives to the various research organisations functioning under individual Ministers, and if the Prime Minister is to be Chairman of the Council as proposed in the Committee's Report, then it is both necessary and desirable that other Ministers, whose Ministries are directly concerned with research, should also be members of the Council. I suggest that, in addition to the Prime Minister, the Ministers in charge of Agricultural, Industrial, Fisheries and Health Research, as well as the Minister of Education who is in charge of the Universities, or representatives of these Ministers, should be ex officio members of the Council. I make this suggestion because -

Justhu ?

- (i) it is very necessary that the Ministers whose Ministries would eventually have to implement the decisions of the National Research Council should be closely associated

with the development and discussion of the plans which come before the Council;

- (ii) it would reduce the possibility of antagonism developing between officers of the Council on the one hand and officers in Government Research Departments and Research Institutes on the other, and ensure that the Council's proposals are speedily implemented by these Departments and organizations; and
- (iii) it is not desirable to require the Prime Minister to preside at meetings of the Council which will presumably discuss specific research projects, without the assistance of the Ministers in charge of research in these fields, or their representatives.

5. The Committee's draft Bill provides for the Prime Minister and one other Minister to be members of the Council. ^{*}If the suggestion I have made above is accepted, a maximum of three other Ministers, or their representatives, would be members of the Council. With the inclusion of these three additional members, the number of non ex officio members could be reduced by the deletion of the 3 members whose inclusion to represent "socio-economic interests" has been suggested in the draft Bill. I do not know precisely what is meant by the representation of "socio-economic interests". Every person in the country represents some social or economic interest and I cannot understand how representatives of these interests are to be selected. If these three members are excluded, the total number of members on the Council would remain unchanged.

(Signed) B. MAHADEVA.

25.7.64.

* Minister of Scientific Affairs.

මගේ අංකය: ඩී.ටී/20 (විවිධ)

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1964.7.23 දින දරන මගේ ලිපියට අමතර මිඛයෙහි.

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පෙරලියට යටින් "Industrial Research" යන විවිධ වර්ග රැස්වීම.

S. ඩී. ජයවර්ධන
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1964 ජූලි මස 27 දින දින,
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බී/. (English translation overleaf)

By No.KE/20(Misc)
The Ministry of Education,
COLOMBO 3., 27th July 1964.

Dr. R O B Wijasekara
.....

NATIONAL RESEARCH COUNCIL.

14/10

Further to my letter of 23.7.64.

Please include the words "Industrial Research" immediately below
the 9th line on page 4 of the draft act.

(Sgd) T C I. Ekanayake.
for Permanent Secretary to
the Ministry of Education.

senas28/920

THE PROPOSED NATIONAL RESEARCH COUNCIL.

The meeting held on 15.6.64 at the National Planning Secretariat at 3.00 p.m. (14)

The following were present.

Mr.M.J.Perera - Chairman.
Dr.N.G.Baptist
Dr.D.B.Gunasekera
Mr.A.S.Navarathnarajah
Dr.A.Sundaralingam
Mr.P.H.Siriwardena
Dr.N.D.Wijesekera
Mr.R.O.B.Wijesekera
Mr.T.C.I.Ekanayaka Secretary.

The Secretary informed the meeting that Mr.E.Mahadeva had telephoned to say that he was unable to attend the meeting because of an urgent official matter. He desired that his original dissenting view should be amended thus -

In para. marked II

(i.e. the University, Research Institutes etc.)

In para. marked iii - Delete the words "unfair and undesirable" and substitute the words "Not Correct"

The Draft Act that had been circulated earlier was then considered. A suggestion by Dr.N.D.Wijesekera that the preamble to the Draft Act should be more detailed was accepted and it was agreed that this should be amplified in terms of the note presented by him to the meeting. Thereafter the Draft Act was considered and was accepted with a few alterations and amendments.

Dr. Baptist reiterated his dis-agreement with the dissenting view expressed by Mr. Mahadeva and this was supported by Dr.N.D.Wijesekera. Finally it was decided that ^{who is} forwarding the dissent, the comments of the Ceylon Association for the Advancement of Science on the dissenting view should also be forwarded to the Hon'ble Prime Minister to enable her to come to a decision as regards this matter.

It was decided that the Draft act, as approved at the meeting, should be forwarded to the members. The Permanent Secretary of the Ministry of Education may thereafter in consultation with the Director of the National Planning Secretariat send the report to the Hon'ble Prime Minister.

The meeting then came to a close.

Sam ROB,

Since you were one of those
who served in the committee
to comment on the dissenting
views of Mr. B. Mahadeva on the
proposed draft act for the creation
of a NRC for Ceylon, I shall be
glad if you could attend this
meeting.

S. Sentheshanmuganathan
5/2/66

55, Torrington Square,
Colombo 7.

Ceylon.

5th February, 1966.

At the request of the General President
a special meeting of the Council will be held on
16th February, 1966, at 5.00 p.m, at the CAAS Headquarters,
55, Torrington Square, Colombo 7.

Agenda

To consider the proposals submitted by the
Ministry of Planning & Economic Affairs on
the creation of the National Research Council
for Ceylon.

(Copy enclosed).

Encl.

S. Sentheshanmuganathan
Hony. General Secretary

Telephones 7138, 4286, 2926
Telegrams: SECMINPLAN

My No. F/77/66

MINISTRY OF PLANNING & ECONOMIC AFFAIRS

P. O. Box 898
Central Bank Building
(8th Floor)
Colombo 1.
1st February, 1966.

Dr. N.G. Baptist,
Chairman,
General Research Committee, C.A.A.S.,
Colombo.

Dear Sir,

In view of certain differences of opinion that has arisen with regard to the draft bill that has been submitted for the setting up of a National Research Council, the Prime Minister has instructed the Economic Secretary to the Cabinet to consider the entire matter afresh and to finalise a draft bill for Cabinet approval.

The major differences of opinion relate to:

- (a) Ministerial Representation on the Council;
- (b) Whether the Prime Minister should be Chairman of the Council;
- (c) Whether the Council should be allowed to have executive functions in addition to its Advisory responsibilities.

There were also certain minor areas of disagreement, such as, the numerical strength of the Council, the financing of the Council, and the appointment of a Secretary-General.

In this connection please see the attached Note which attempts to resolve some of these difficulties. We would be grateful to receive early the comments and opinions of the C.A.A.S. on the suggestions that have been made.

Yours faithfully,

Sgd/--

(D.R. Siriwardena)
Economic Adviser.

NATIONAL RESEARCH COUNCIL

With reference to the proposals to set up a National Research Council and the draft Bill that has been submitted by the Committee appointed by Government to go into this question, the main difficulty that has cropped up relates to the constitution of the membership of the Council.

The suggestion that the Prime Minister should be the Chairman of the Council was perhaps originally made on the ground that since the Council, in its relationship to Government, has to be an advisory body only, the presence of the Prime Minister should provide the Council with an authority and influence which it would not otherwise have. It is quite realistic to take the view that unless an advisory body has some sort of recognised position, the advice it gives may not be taken sufficiently seriously. It may also to some extent be true that an advisory body which has no authority or responsibilities at all would tend, at least occasionally, to give irresponsible or eccentric advice. This is fantasy

There is perhaps no real disagreement as to the necessity to give the proposed council a special position of some kind, so as to ensure as much as is practicable that its advice would be given serious and careful consideration by Government. But to bring in the Prime Minister to this Council as its Chairman in order to give it a special position does give rise to serious difficulties: (i) The Prime Minister in his capacity as Chairman of the Council gives advice to himself in his capacity as the Head of Government; (ii) Since the Prime Minister is chairman of the Council parliamentary criticism of the activities of the Council would have a political significance that is far out of proportion to the actual work of the Council; (iii) the Prime Minister will never have the time to attend meetings of the Council; (iv) since the Prime Minister is the Chairman, the Council may come to be regarded as the Prime Minister's creature, and this may result in the council acquiring an unwanted political complexion.

The suggestion to put other Ministers on to the Council apparently came up at all because of the proposal

to make the Prime Minister Chairman of the Council. It was perhaps feared that the Prime Minister may in fact not be able to attend Council meetings, and that the other members of the Council would in effect find themselves in the position of using the Prime Minister's name to issue instructions to the various research organisations functioning under individual Ministers. Such a situation could conceivably develop and may lead to the creation of antagonisms and disputes of all kinds.

Actually it is more or less quite obvious that Ministers have no real place in a National Research Council. Ministers as individuals can be expected to have only a general interest in scientific subjects. A research council would for the most part concern itself with matters of a specialist nature about which Ministers can make responsible comments only after consulting their advisers. The thing to do then is to put on the Research Council those who normally act as advisers to Ministers on scientific matters. This is what is contemplated in the draft Bill and it would perhaps be best to stop the matter at that,

On the other hand, if the Prime Minister and other Ministers are excluded from the Council, the advice it gives would be of a kind that could be easily neglected. This would be specially the case where the decisions of the Council are not unanimous; and it is psychologically normal for an advisory body that feels itself to be more or less powerless to lose interest, and finally even to cease giving useful advice altogether.

Perhaps this problem can be met by making the Governor-General the Patron of the Society and if he were to normally preside over the meetings of the Council. The Council could act as adviser to the Governor-General on scientific matters, and the Governor-General in turn would convey this advice to the Cabinet or individual Ministers. The advantages of this arrangement are: (i) The Council through the Governor-General could demand to know why its advice is not being carried out, so that if the Government does not accept the advice of the Council on any matter a reasonable explanation has to be provided; (ii) Since the Governor-General is not a member of the Council, the Council

as a whole or individual members can make public criticism as to the Government's short-comings in the scientific field. Because of the close association with the Governor-General, the Council will have a certain status and a position of respect with regard to society and public opinion. In its relationship to the Government also the Council will have a special position, since the advice of the Council would be tendered formally by the Governor-General to his Ministers.

The position of the Council could be further strengthened by placing the CISIR in its charge. The Council could be made responsible for appointing a Managing Board and a Director and also for formulating the over-all policy of the CISIR. The CISIR would be the operating arm of the Council. In this connection it may be said that the criticism made against the draft Bill on the ground that since the Council is an advisory body it would be anomalous for it to have executive powers does not appear to be reasonable. In its relationship to the Government the Council of course can have advisory functions only; but this does not in any way conflict with the Council having all the executive powers of a corporate body in matters that does not involve a direct relationship with Government.

There has also been certain differences of opinion as to what the numerical strength of the Council should be. Perhaps this question could be solved by leaving it to the Governor-General to appoint as many members to the Council as he deems desirable. Leaving the matter flexible in this way will enable the Council to arrive at an appropriate figure on the basis of actual experience. The first Secretary-General of the Council could also perhaps be appointed by the Governor-General.

With regard to the finances of the Council, the Council will of course have to depend on government grants to the extent that donations from local and foreign sources are not sufficient. Since the Council will be a corporate body it will have the right to receive grants and donations, and there is perhaps no special necessity to mention this matter in the Act. It may however be advisable to make provision for the Council to be a tax-exempt body that is defined as a charitable institution for the receipt of donations.

මගේ අංකය: කේට/20(විවිධ)

අධ්‍යක්ෂ ජනරාල්, කොළඹ 3,

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1964 ජූලි මස 23 වැනි දින.

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(P. T 0)

My No.KE(Misc).

The Ministry of Education,

Colombo 5., 23rd July 1964.

Dr. R.O.B Wijesekara
.....

National Research Council.

The minutes of the meeting held on 15.6.64 together with a copy of the Report, the draft act and relevant annexures are forwarded for your information.

A separate copy of the Report and draft Act will be sent to you shortly for your signature.

(Sgd) T.C. I. Ekangyate.
for S.E.

COMMENTS ON THE DISSENTING VIEW OF MR. B. MAHADEVA.

1. The National Research Council as envisaged in the draft act --- accepted by all save the dissentient --- is an advisory and planning body taking on the execution of only such projects for which no provision exists already.
2. When the dissentient states that he considers it very necessary that the Ministers, whose ministries would eventually have to implement the recommendations of the National Research Council, should be closely associated with the discussion of the plans which come before the Council, he seems to be thinking in terms of general scientific planning rather than of the organisation and direction of scientific research. The dissentient also states that it is not correct to require the Prime Minister to preside at meetings without the assistance of the Ministers in charge of research in these fields. We are unable to see the point of this argument. The Ministers are in charge of research only in a very general and remote sense. Such views as they could express in the Council would be factual and expressive of their hopes and intentions for the future. The National Research Council would not embark on the scientific discussion of a subject without ascertaining the background facts and information and the views of the relevant ministry would naturally be obtained beforehand. It would be a sheer waste of a Minister's time to attend the meetings of the Council merely for the purpose of keeping the Council informed of facts which can be obtained in writing beforehand.
3. It would be the duty of a National Research Council to maintain close collaboration with government departments conducting research within the various ministries. It is however neither practicable nor desirable for the respective Ministers to be members of the Council.
4. If the dissentient's argument is conceded it would be necessary for at least half the cabinet -- at a conservative estimate -- to be in the Council, which would give the Council the appearance of a Cabinet Sub-Committee with scientific advisors.
5. It is a fact that the general practice in National Research Councils of this type in developing countries today, is to have the Prime Minister as Chairman. This automatically ensures a high priority for decisions taken by the Council.

6. Any argument based on the innuendo that the Prime Minister being a layman is not knowledgeable on matters concerning scientific research is ludicrous, for, by the same token, it may be argued that the Ministers themselves are unversed in science. There is no evidence to support any claim that the Ministers, or for that matter their chief executives the permanent secretaries, are appointed to their respective ministries on the basis of any specialised scientific knowledge. For this knowledge they either consult the scientists in their departments -- who as we conceive it would be represented in a National Research Council -- or consult expert opinion abroad.

7. Necessary action arising out of the Research Council's recommendations would have to receive the sanction and co-operation of the Ministry concerned; for this purpose the ministry and their scientific specialists would be consulted. There would be opportunities for all view-points to find expression. The dissentient suggests the possibility of antagonisms between the Council and the departments within the ministries. This implies that Ministers are likely to be disloyal to their Chief. The Prime Minister as Chairman of the Council is a safeguard against such unlikely contingencies for it will be the duty of all departments and agencies to co-operate with the Council because requests from the Council would come through the Prime Minister. Apart from these considerations we would emphasise that the primary function of the Council is to assist and stimulate all scientific research and if necessary to remove antagonisms where they exist.

8. It must also be borne in mind that the government is not the only sector involved in scientific research. Other organisations such as quasi-government and non-government organisations are involved.

9. The dissentient's proposal to omit representation from the socio-economic sphere will deprive the Research Council of eminent men who are aware of the needs of society and the economic possibilities within which projects can be carried out. If the desired goal is to be achieved then the field of socio-economics must find representation, as otherwise the projects both research and development will be out of context with living reality.

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10. One of the chief functions of the Research Council will be to ensure that the programmes of research are drawn up by the most knowledgeable persons in the field, the scientists themselves. It is the scientists who will be called upon to execute the programmes of work and it is they and only they who will be able to correctly advise the government regarding the manner in which scientific work should proceed in the best interests of the country. This is a privilege afforded to many other spheres of activity in the country for example the administrative and legal spheres, and it is a privilege which for so long has been denied to the scientists much to the detriment of the country's interests.

11. The presence of Ministers in the Council is likely to inhibit free expression of views by departmental officers and may stand in the way of a detached scientific and impersonal approach to problems under examination by the Council.

For the reasons elaborated above, the Ceylon Association for the Advancement of Science would adhere to the original section in the proposed draft on which the dissenting view had been put forward. This (Section 5, Membership of the Council) has been accepted by everybody save the dissentient, Mr. B. Mahadeva.

We wish to completely dissociate ourselves from the dissenting view as it is contrary both in spirit and principle to the pattern of a National Research Council. This view is completely removed from the ideas the Ceylon Association for the Advancement of Science had in mind when it first proposed the creation of such a Research body for Science. Nothing that has happened in the history of our country since that time has given us cause to change our thinking on this subject.

Sgd: N.D.Wijesekera

Sgd: N.G.Baptist

Sgd: R.O.B.Wijesekera.

25th June 1964.

An Act to provide the establishment of the
National Research Council of Ceylon and
all matters connected therewith.

Short Title

1. This Act may be cited as the National Research Council of Ceylon Act No. of 1964.

Establishment
the National
Research
Council of
Ceylon.

2. (i) There shall be established, in accordance with the provisions of this Act, a Council which shall be called the National Research Council of Ceylon, hereinafter referred to as "the Council".

(ii) The National Research Council of Ceylon shall, in that name, be a body corporate consisting of the persons for the time being holding office as members of the Council as hereinafter provided, and shall have perpetual succession and a common seal and may sue and be sued in its common name.

(iii) The headquarters of the Council shall be in Colombo or in such other place in Ceylon as may be decided by the Council.

Functions
of the
Council

3. The functions of the Council shall be -

I (a) to advise the Prime Minister on the application of Science and scientific research to problems of national importance for the general benefit of the community.

2 (b) to advise the Prime Minister on the co-ordination of Research in the various areas of scientific work with a view to directing scientific work into channels vital for national programme.

↑ (c) to initiate, promote, and intensify fundamental and applied research with the object of developing the economic resources of the country, and of promoting the well-being of the people.

(d) to keep under review the country's needs for trained, scientific and technical personnel, and to advise the Prime Minister on steps to maintain an adequate supply of such personnel.

3 (e) to collect and disseminate information relating to Scientific and technical matters, and to publish scientific and technical reports, periodicals and papers.

IV (f) to establish and maintain liaison with Scientific institutions in other countries in matters of scientific research and interest.

I (d) (g) to advise the Prime Minister on matters of scientific policy, and on any other connected matters referred to it by the Prime Minister including the allocation of funds for scientific research.

Powers of the Council

4. (i) The Council shall have powers -

- (a) to perform all such acts as may be necessary for or incidental to the carrying out of its functions;
- (b) to make all appointments necessary for the efficient discharge of its functions on such terms and conditions as it may decide; and within such terms, to suspend, dismiss or otherwise punish persons in its employ;
- (c) (a) to institute and award research fellowships studentships, scholarships, prizes and medals for scientific work.
- (b) (d) to erect, equip, and maintain research units and laboratories either independently or in association with organizations engaged in scientific research, both in the public and private sector and to keep the principal physical standards of measurement.
- (c) (e) to make grants in aid of specific research projects in any scientific institution or department;
- (d) (f) to establish a research fund for the promotion of scientific research and development to which gifts, grants and bequests may be made by individuals and corporate bodies; grants should, as approved donations, [be free from income tax;] *excluded.*
- (e) (g) to frame rules and regulations necessary to carry out its objectives;
- (e) (h) to acquire and hold any property movable or immovable required for the purpose of its functions and to hold and enjoy the property so acquired;
- (i) to acquire by gift, grant, bequest or devise any such property for the purpose of this Act and to agree to any condition of such gift, grant, bequest or devise.

(ii) All property, movable or immovable, acquired or held by the Council and all monies paid to or received by the Council under this Act shall be used and applied by the Council in furtherance of the objects of the Council and the Council shall have the power from time to time, to sell, grant, convey, devise assign, exchange or otherwise dispose of or mortgage any such property, and to invest its funds in such manner as may be necessary and expedient.

(iii) The Prime Minister may, by order, vest in the Council for the purpose of this Act and subject to such restrictions, conditions and prohibitions of any nature whatsoever relating to use, occupation, or disposition as may be specified in the order, any land or building acquired for a public purpose under the provisions of any law, now or hereinafter, to be in force for the acquisition of private lands for public purpose or any other Crown land.

(iv) The Prime Minister may, by Order, transfer to the Council such fixtures and movable property belonging to the Crown as may be specified in Order and any fixtures or movable property specified in any such Order shall, with effect from such date as may be appointed, thereby vest in and be the property of the Council.

Membership of the Council

5. (i) The Council shall consist of twenty-one (21) members.

(a) Ex-officio Members

amended

- I. The Prime Minister who shall be the Chairman.
- II. A Vice-Chairman who shall be a member of the Cabinet and appointed by the Prime Minister.
- III. The Secretary General of the Council who shall be a Scientist and who shall be appointed by the Council with the concurrence of the Prime Minister. (The first Secretary General shall be appointed by the Prime Minister in consultation with the Ceylon Association for the Advancement of Science).

(b) Appointed Members.

- I. Three members to be appointed by the Prime Minister to represent scientific activity in the private sector.

II. Three members appointed by the Prime Minister representing socio-economic interests.

III. Twelve persons who shall be scientists. In the appointment of these 12 persons, the Prime Minister shall include at least one to represent each of the following research categories :-

Physical Science Research,
Biological Science Research,
Agricultural Research,
Industrial Research.
Medical Research, and
Social Science Research.

In the appointment of these 12 scientists, the Prime Minister shall consult recognised scientific bodies.

- (ii) (a) Every member of the Council appointed under paragraph (b) of Sub-section (i) of this Section shall hold office for a period of three years and shall be eligible for reappointment.
- (b) In the first Council, one third (1/3rd) of the number of non ex-officio members will retire by lot at the end of the first year and one third (1/3rd) at the end of the second year. The retiring members in each case being eligible for re-election.
- (iii) The Prime Minister, either on her own initiative or on the advice of the Council, may remove any member of the Council - other than an ex-officio member.
- (iv) In the case of absence of over three months of a member appointed under sub-section (i)(b) and (ii)(b), the Prime Minister may appoint, on the advice of the Council, a person to act in place of the member during his absence, and the deputy, while so acting, shall have and may exercise all the powers and functions of a member.
- (v) Any non ex-officio member appointed under sub-section (i)(b) and (ii)(b) of this section, who is absent from three successive meetings of the Council without leave of the Council shall be deemed to have automatically lost his membership in the Council; and the Prime Minister, on the advice of the Council, may thereupon appoint a person to fill such vacancy thereby for the unexpired period of membership.

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6. (i) A meeting of the Council shall be held once at least in every two months.
- (ii) The quorum of the meeting of the Council shall be 10 members.
- (iii) Subject to the preceding provisions of this section the Council shall make rules and regulations relating to the procedure followed at its meetings and the conduct of its functions and activities.

Expenses of
Members

7. (i) Subject to such special rules as may be framed for this purpose by the Council, the Council may pay to any of its members any expenses actually incurred by such members for the purpose of performance of his duty as a member.
- (ii) Save as provided in sub-section (i) of this Section, no member of the Council other than the Secretary-General, shall be entitled to any remuneration or allowance for work done by him as a member.

Staff

8. (i) The Secretary-General shall be the Chief executive officer of the Council and shall be a full time officer.
- (ii) The Council may appoint such other officers and such servants as the Council considers necessary for the purpose of this Act.
- (iii) The remuneration and conditions of service of the officers and servants of the Council shall be such as may be determined by the Council.
- (iv) At the request of the Council, any officer in the public service may, with the consent of that officer and of 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. The provisions of sub-sections (2) and (3) of section 26 of the Government Sponsored Corporations Act No.19 of 1955, shall, mutatis mutandis, apply in relation to any officer in the public service who is temporarily or permanently appointed to the staff of the Council.

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 of the Government for the purpose of discharging the obligation of such contract.

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Provident
Fund.

9. The Council may establish and regulate a provident fund for the benefit of all or any of the employees of the Council and other dependants or nominees and may make contributions to any such fund out of the moneys of the Council.

Finance &
Accounts

10. The Council shall have its own funds. All monies received by the Council, including such as may be voted by the Parliament for use of the Council shall be credited to the fund, and all payments made by the Council shall be therefrom.

As soon as convenient, after the date on which this Act comes into operation, the Government shall make a contribution of one million rupees for the purpose of defraying the expenses of the Council under this Act.

Auditing

11. (1) The Council shall cause its accounts for each Financial year to be kept in such form and manner as may be approved by the Minister* with the concurrence of the Minister of Finance.
- (2) The Financial Year of the Council shall be the year commencing October 1st.
- (3) An estimate of the income and expenditure of the Council for the ensuing financial year shall be submitted before the 15th March of each financial year for the approval of the Minister.
- (4) 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.
- (5) (a) The Accounts of the Council shall be audited annually by an Auditor (hereinafter referred to as the Auditor) appointed by the Minister on the advice of the Auditor General. The Auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The Auditor shall receive such remuneration from the funds of the Council as the Ministry may determine with the concurrence of the Minister of Finance.

(b) The Auditor-General shall have power -

- (i) to direct the manner in which the Council's accounts shall be audited by the Auditor; and to give the Auditor instructions in regard to any matter connected with the performance of his functions as the Auditor; and
- (ii) to conduct a supplementary or test audit of the Council's accounts by such person or persons as the Auditor-General may authorise in that behalf, and for the purpose of such audit, to require information or additional information to be furnished to any person or persons, and in such form, as the Auditor General may, by general or special Order, direct.
- (iii) the Auditor-General and the Auditor or any officer authorised by either of them shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Council as the Auditor-General or Auditor may consider necessary for the purpose of the audit, and shall be promptly furnished by the Council or its officers with such information within their knowledge as may be required for such purpose.

6. The accounts of the Council in respect of each financial year shall be prepared and rendered to the Auditor referred in sub-section (5) before the expiry of a period of six months after the end of such financial year.

7. The Auditor shall examine the accounts of the Council and furnish a report stating -

- (i) whether he has or has not obtained all the information and explanations required by him; and
- (ii) whether the balance sheet and 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.

8. The Auditor shall submit his audit report to the Auditor-General who shall have the right to comment upon or supplement the audit report in such manner as he may think fit.

9. The Auditor-General shall transmit the audit report together with his comments upon, or his supplement to such report, to the Secretary General.

12. The Secretary General shall, on receipt of the Auditor's Report in each year, place before the Council.

(a) a copy of such report together with the Auditor-General's comments, if any, upon, and his supplement, if any, to such report.

(b) a copy of the income and expenditure account;

(c) a copy of the balance sheet; and

(d) a report on the work performed by it for the period for which the income and expenditure account and the balance sheet have been made up.

13. The Minister shall cause copies of all the documents specified in the last preceding sub-section to be laid before the House of Representatives and the Senate.

Regulations

14. The Council may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

* Note. - Minister means the Prime Minister.

A N N E X.

Dissenting view

Mr. B. Mahadeva expressed the view that, if the Prime Minister was to be the Chairman of the Council, it was both necessary and desirable that other Ministers whose Ministries were directly concerned with research, should also be members of the Council. He suggested that, in addition to the Prime Minister, the Ministers in charge of Agriculture, Industries, Fisheries, Health and Education should be ex-officio members of the Council. With the inclusion of these four additional ex-officio members (one Minister other than the Prime Minister was already included as an ex-officio member in the Committee's draft Bill) the number of non ex-officio members could be reduced by the deletion of the 3 members whose inclusion to represent so-called "Socio-economic interests" has been suggested in the Committee's draft Bill, and by the reduction in the number of scientific members by one. This would leave the total number of members on the Council unchanged.

Mr. Mahadeva stated that he made this suggestion because -

- (i) it was very necessary that the Ministers whose Ministries would eventually have to implement the recommendations of the National Research Council, particularly in the fields of agricultural, industrial, fisheries and medical research, should be closely associated with the development and discussion of the plans which come before the Council;
- (ii) it would reduce the possibility of antagonism developing between the Council and the Government Research Department and other research agencies (i.e. the University, Research Institutes etc.) through which the major part of the Island's scientific research would have to be conducted, and ensure that the Council's proposals were speedily implemented by these Departments and agencies;
- (iii) it was not correct to require the Prime Minister to preside at meetings of the Council, consisting almost exclusively of experts in special fields, without the assistance of her Ministers who were in charge of research in these fields.

NATIONAL SCIENCE RESEARCH COUNCIL

The present proposal to have a National Research Council emerged from a resolution of the General body of the Ceylon Association for the Advancement of Science urging the Government to appoint a Science Commission " to investigate the facilities at present available in Ceylon for scientific and technical research development, how these should be co-ordinated and extended, and to formulate a scientific policy for the country.

This resolution was brought to the notice of the Hon. Prime Minister and the Hon. Minister of Industries, Home and Culture by the Ceylon Association for the Advancement of Science in May 1962.

Action was initiated by the Hon. Minister of Industries, Home and Cultural Affairs. A Cabinet paper proposing the appointment of a Science Commission of 5 Members as a step preliminary to the setting up of the National Research Council was prepared by the Ministry of Industries, Home and Cultural Affairs. The setting up of a Science Commission was approved by the Cabinet in November 1963.

Subsequently the Hon. Prime Minister had discussions with the Director of the Unesco Science Co-operation Office, New Delhi, the Permanent Secretary to the Ministry of Commerce and Industries and the Permanent Secretary to the Ministry of Education and Cultural Affairs. It was decided then by the Hon. Prime Minister that it was not necessary to appoint a Science Commission to set up a National Research Council. It was considered that a conference representative of various Departments and organizations conducting research should be convened and that the decisions should be communicated to the Hon. Prime Minister.

Accordingly, as agreed between the Permanent Secretary, Ministry of Education & Cultural Affairs and the Director, National Planning Secretariat, a meeting was convened on 1.4.64 to which were invited the following:-

Representatives from the following Ministries:-

Ministry of Transport & Work,
Ministry of Agriculture and Food,
Ministry of Land, Irrigations & Power,
Ministry of Posts, Broadcasting and Information,
Ministry of Health,
Ceylon Association for the Advancement of Science-2 Reps.
Director, CISIR, or his representatives,
2 Representatives- University of Ceylon, Peradeniya.
Controller, Economic Division,
Mr Clark, Chief of Unesco Mission,
Director, National Planning,
Secretary, National Commission, Unesco.

The meeting, at which the Permanent Secretary to the Ministry of Education and Cultural Affairs presided, discussed the proposal and decided to appoint a Sub-Committee as follows to prepare the draft proposals for the establishment of a National Research Council for submission to the Hon. Prime Minister.

The Sub-Committee comprised:-

1. Permanent Secretary, Ministry of Education & Cultural Affairs.
2. Prof. O.E.R. Abhayaratna, Dean of the Faculty of Medicine.
3. Dr. N.G. Baptist, Representative of the C.A.S+S
4. Mr. B. Mahadeva, S/A&F.
5. Mr. A.S. Navaratnarajah, Director of Development.
6. Mr. A.O. Weerasinghe, Senior Assistant Secretary M/L.I.P.
7. Dr. A. Sundralingam, Director, CIGIR.

with Mr. T.C.I. Ekanayake, Secretary, National Commission, Unesco, to function as secretary of the Sub-Committee.

The Sub-Committee met on four occasions and has prepared a Draft for the setting up of a National Research Council in Ceylon. The draft Act is herewith forwarded.

AN ACT TO PROVIDE THE ESTABLISHMENT OF THE
NATIONAL RESEARCH COUNCIL OF CEYLON AND ALL
MATTERS CONNECTED THEREWITH

- | | |
|---|--|
| <p>1. This Act may be cited as the National Research Council of Ceylon Act No. of 1964.</p> | <p>Short Title</p> |
| <p>2. (i) There shall be established, in accordance with the provisions of this Act, a Council which shall be called the National Research Council of Ceylon, hereinafter referred to as "the Council".</p> <p>(ii) The National Research Council of Ceylon shall, in that name, be a body corporate consisting of the persons for the time being holding office as members of the Council as hereinafter provided, and shall have perpetual succession and a common seal and may sue and be sued in its common name.</p> <p>(iii) The headquarters of the Council shall be in Colombo or in such other place in Ceylon as may be decided by the Council.</p> | <p>Establishment of the National Research Council of Ceylon.</p> |
| <p>3. The functions of the Council shall be-</p> <p>(a) to advise the Prime Minister on the application of Science and scientific research to problems of national importance for the general benefit of the community.</p> <p>(b) to advise the Prime Minister on the co-ordination of Research in the various areas of scientific work with a view to directing scientific work into channels vital for national progress.</p> <p>(c) to initiate, promote and intensify fundamental and applied research with the object of developing the economic resources of the country and of promoting the well-being of the people.</p> <p>(d) to keep under review the country's needs for trained, scientific and technical personnel and to advise the Prime Minister</p> | <p>Functions of the Council.</p> |

- on steps to maintain an adequate supply of such personnel.
- (e) to collect and disseminate information relating to scientific and technical matters and to public scientific and technical reports, periodicals and papers.
 - (f) to establish and maintain liaison with scientific institutions in other countries in matters of scientific research and interest.
 - (g) to advise the Prime Minister on matters of scientific policy and on any other connected matters referred to it by the Prime Minister including the allocation of funds for scientific research.

Powers of 4. (1) The Council shall have powers:-

the Council

- (a) to perform all such acts as may be necessary for or incidental to the carrying out of its functions;
- (b) to make all appointments necessary for the efficient discharge of its functions on such terms and conditions as it may decide; and within such terms, to suspend, dismiss or otherwise punish persons in its employ;
- (c) to institute and award research fellowships, studentships, scholarships, prizes and medals for scientific work;
- (d) to erect, equip and maintain research units and laboratories either independently or in association with organizations engaged in scientific research, both in the public and private sector and to keep the principal physical standards of measurements;
- (e) to make grants in aid of specific research projects in any scientific institutions or departments;
- (f) to establish a research fund for the promotion of scientific research and development to which gifts, grants and bequests may be made by individuals and corporate bodies; grants should, as approved donations, be free from income tax;
- (g) to frame rules and regulations necessary to carry out its objectives;
- (h) to acquire and hold any property movable or immovable required for the purpose of its functions and to hold and enjoy the property so acquired;
- (i) to acquire by gift, grant, bequest or devise any such property for the purpose of this Act and to agree to any condition of such gift, grant, bequest or devise.
- (ii) All property, movable or immovable, acquired or held by the Council and all monies paid on to or received by the Council under this Act shall be used and applied by the Council in furtherance, of the objects of the Council and the Council shall have the power from time to time, to sell, grant, convey, devise, assign, exchange or otherwise dispose of or mortgage any such property and to invest its funds in such manner as may be necessary and expedient.

(iii) The Prime Minister may, by order, vest in the Council for the purpose of this Act and subject to restrictions, conditions and prohibitions of any nature whatsoever relating to use, occupation or disposition as may be specified in the Order, any land or building acquired for a public purpose under the provisions of any law now or hereinafter to be in force for the acquisition of private lands for public purpose or any other Crown land.

(iv) The Prime Minister may, by Order, transfer to the Council such fixtures and movable property belonging to the Crown as may be specified in Order and any fixtures or movable property specified in such Order shall, with effect from such date as may be appointed, thereby vest in and be the property of the Council.

5. (1) The Council shall consist of twenty-one (21) members. Membership

(a) Ex-officio members- I. The Prime Minister who shall be the Chairman. of the Council.

II. A Vice-Chairman who shall be a member of the Cabinet and appointed by the Prime Minister.

III. The Secretary-General of the Council who shall be appointed by the Council with the concurrence of the Prime Minister. The first Secretary-General shall be appointed by the Prime Minister in consultation with the Ceylon Association for the Advancement of Science.

(b) Appointed Members- I. 3 members to be appointed by the Prime Minister to represent scientific activity in the private sector.

II. 3 members appointed by the Prime Minister representing socio-economic interests.

III. 12 persons who shall be scientists. In the appointment of these 12 persons, the Prime Minister shall include at least one to represent each of the following research categories:-

Physical Science Research,
Biological Science Research,
Agricultural Research,
Industrial Research, Medical Research.

and Social Science Research.

In the appointment of these 12 scientists, the Prime Minister shall consult recognised scientific bodies.

(ii) (a) Every member of the Council appointed under

paragraph (b) of sub-section (i) of this Section shall hold office for a period of three years and shall be eligible for reappointment.

(b) In the first Council, one third (1/3rd) of the number of non-ex-officio members will retire at the end of the first year and one third (1/3rd) at the end of the second year. The retiring members in each case being eligible for re-election.

(iii) The Prime Minister, either on his own initiative or on the advise of the Council, may remove any member of the Council other than an ex-officio member.

(iv) In the case of absence of over three months of a member appointed under sub-section (i) (b) and (ii) (b), the Prime Minister may appoint on the advise of the Council, a person to act in place of the member during his absence and the deputy, while so acting, shall have and may exercise all the powers and functions of a member.

(v) Any non ex-officio member appointed under sub-section (i) (b) and (ii) (b) of this section, who is absent from three successive meetings of the Council without leave from the Council shall be deemed to have automatically lost his membership in the Council, and the Prime Minister, on the advise of the Council, may thereupon appoint a person to fill such vacancy thereby for the unexpired period of membership.

6. (i) A meeting of the Council shall be held once at least in every two months.

(ii) The quorum of the meeting of the Council shall be 10 members.

(iii) Subject to the preceding provisions of this section the Council shall make rules and regulations relating to the procedure followed at its meetings and the conduct of its functions and activities.

7. (i) Subject to such special rules as may be framed for this Expenses purpose by the Council, the Council may pay to any of its members of any expenses actually incurred by such members for the Members. purpose of performance of his duty as a member.

(ii) Save as provided in sub-section (i) of this Section, no member of the Council other than the Secretary-General shall be entitled to any remuneration or allowance for work done by him as a member.

8. (i) The Secretary-General shall be the chief executive officer Staff of the Council and shall be a full time officer.

(ii) The Council may appoint such other officers and such servants as the Council considers necessary for the purpose of this Act.

(iii) The remuneration and conditions of service of the officers and servants of the Council shall be such as may be determined by the Council.

(iv) At the request of the Council, any officer in the public service, may, with the consent of the officer and of 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. The provisions of sub-sections (2) and (3) of section 26 of the Government-Sponsored Corporations Act No. 19 of 1955, shall, mutatis mutandis, apply in relation to any officer in the public service who is temporarily or permanently appointed ~~in the public service~~ to the staff of the Council.

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 specific 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 contracts.

Provident
Fund,

9. The Council may establish and regulate a provident fund for the benefit of all or any of the employees of the Council and other dependents or nominees and may make contributions to any such fund out of the moneys of the Council.

Finance &
Accounts.

10. The Council shall have its own funds. All monies received by the Council, including such as may be voted by the Parliament for use of the Council, shall be credited to the fund and all payments made by the Council shall be therefrom.

As soon as convenient, after the date on which this Act comes into operation, the Government shall make a contribution of one million rupees for the purpose of defraying the expenses of the Council under this Act.

Auditing.

11. (1) The Council shall cause its accounts for each financial year to be kept in such form and manner as may be approved by the Minister^o with the concurrence of the Minister of Finance.

(2) The Financial Year of the Council shall be the year commencing October 1st.

(3) An estimate of the income and expenditure of the Council for the ensuing financial year shall be submitted before the 15th March of each financial year for the approval of the Minister. A supplementary estimate shall be obtained before any expenditure is incurred in respect of such item.

(5) (a) The Accounts of the Council shall be audited annually by an Auditor (hereinafter referred to as the Auditor) appointed by the Minister on the advice of the Auditor General. The Auditor so appointed shall be a member of the Institute of Chartered Accountants of Ceylon. The Auditor shall receive such remuneration from the funds of the Council as the Minister may determine with the concurrence of the Minister of Finance.

(b) The Auditor-General shall have power-

(1) to direct the manner in which the Council's accounts shall be audited by the Auditor; and to give the Auditor instructions in regard to any matter connected with the performance of his functions as the Auditor; and

(11) to conduct a supplementary or test audit of the Council's accounts by such person or persons as the Auditor-General may authorise in that behalf, and for the purpose of such audit, to require information or additional information to be furnished to any person or persons, and in such form, as the Auditor General may, by general or special Order, direct.

(c) The Auditor-General and the Auditor or any officer authorised by either of them shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Council as the Auditor-General or Auditor may consider necessary for the purpose of the audit, and shall be promptly furnished by the Council or its officers with such information within their knowledge as may be required for such purpose.

(6) The accounts of the Council in respect of each financial year shall be prepared and rendered to the Auditor referred to in sub-section(5) before the expiry of a period of six months after the end of such financial year.

(7) The Auditor shall examine the accounts of the Council and furnish a report stating-

(1) whether he has or has not obtained all the information and explanations required by him; and

(11) whether the balance sheet and 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.

(8) The auditor shall submit his audit report to the Auditor-General who shall have the right to comment upon or supplement the audit report in such manner as he may think fit.

(9) The Auditor General shall transmit the audit report together with his comment upon, or his supplement to each report to the Secretary-General.

12. (The Secretary-General shall, on receipt of the Auditor's Report in each year, place before the Council-

(a) a copy of such report with the Auditor-General's comments, if any, upon, and his supplement, if any, to such report;

(b) a copy of the income and expenditure account;

(c) a copy of the balance sheet; and

(d) a report of the Council on the work performed by it for the period for which the income and expenditure account and the balance sheet have been made up.

13. The Minister shall cause copies of all the documents specified in the last preceding sub-section to be laid before the House of Representatives and the Senate.

Regulations

14. The Council may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

* Note Minister means the Prime Minister.

A N N E X
DISSENTING VIEW

Mr Mahadeva expressed the view that, if the Prime Minister was to be the Chairman of the Council, it was both necessary and desirable that other Ministers whose Ministries were directly concerned with research, should be members of the Council. He suggested that, in addition to the Prime Minister, the Ministers in charged of Agriculture, Industries, Fisheries, Health and Education should be ex-officio members of the Council. With the inclusion of these four additional ex-officio members (one Minister other than the Prime Minister was already included as an ex-officio member ~~in the Committee's draft Bill~~ in the Committee's draft Bill) the number of non ex-officio members could be reduced by the deletion of the 3 members whose inclusion to represent so-called "Socio-economic interests" has been suggested in the Committee's draft Bill and by the reduction in the number of scientific members by one. This would leave the total number of members on the Council unchanged.

Mr Mahadeva stated that he made this suggestions because-

(i) it was very necessary that the Ministers whose Ministries would eventually have to implement the recommendations of the National Research Council, particularly in the fields of agricultural, industries, fisheries and medical research, should be closely associated with the development and discussion of the plans which come before the Council;

(ii) it would reduce the possibility of antagonism developing between the Council and the Government Research Departments and other research agencies (i.e. the University Research Institutes) through which the major part of the Island's scientific research would have to be conducted, and ensure that the Council's proposals were speedily implemented by these Departments and agencies;

(iii) it was unfair and undesirable to require the Prime Minister to preside at meetings of the Council, consisting almost exclusively of experts in special fields, without the assistance of his Ministers who were in charge of research in these fields.

COMMENTS ON THE DISSENTING VIEW OF MR. B. MAHADEVA

by members of the delegation representing the Ceylon Association
for the Advancement of Science

1. The National Research Council as envisaged in the draft Act-accepted by all save the dissentient- is an advisory and planning body taking on the execution of only such projects for which no provision exists already.
2. When the dissentient states that he considers it very necessary that the Ministers whose ministries would eventually have to implement the recommendations of the National Research Council should be closely associated with the discussion of the plans which come before the Council he seems to be thinking in terms of general scientific planning rather than of the organisation and direction of scientific research. The dissentient also states that it is not correct to require the Prime Minister to preside at meetings without the assistance of the Ministers in charge of research in these fields. We are enable to see the point of this argument. The Ministers are in charges of research only in a very general and remote sense. Such views that they could express in the Council would be factual and expressive of their hopes and intentions for the future. The National Research Council would not embark on the scientific discussion of a subject wit out ascertaining the background facts and information and the views of the relevant ministry would naturally be obtained beforehand. It would be a sheer waste of a Minister's time to attend the meetings of the Council merely for the purpose of keeping the Council informed of facts which can be obtained in writing beforehand.
3. It would be the duty of a National Research Council to maintain close collaboration with government departments conducting research within the various ministries. It is however neither practicable nor desirable for the respective Ministers to be members of the Council.
4. If the dissentient's argument is conceded it would be necessary for at least half the cabinet- at a conservative estimate- to be in the Council, which would give the Council the appearance of a Cabinet Sub-Committee with scientific advisors.
5. It is a fact that the general practise in National Research Councils of this type in developing countries today, is to have the Prime Minister as Chairman. This automatically ensures a high priority for decisions taken by the Council.
6. Any argument based on the innuendo that the Prime Minister being a layman is not knowledgeable on matters concerning scientific research is ludicrous, for, by the same token, it may be argued that the Ministers themselves are unversed in science. There is no evidence to support any claim that the Ministers, or for that matter their ~~ministers~~ chief executives the permanent secretary are appointed to their respective ministries on the basis of any specialised scientific knowledge. For this knowledge they either consult the scientists in their departments- who as we conceive it would be represented in a National Research Council 1-or

or consult expert opinion abroad.

7. Necessary action arising out of the Research Council's recommendations would have to receive the sanction and cooperation of the Ministry concerned; for this purpose the ministry and their scientific specialists would be consulted. There would be opportunities for all view-point to find expression.

The dissentient suggests the possibility of antagonism between the Council and the departments within the Ministries. This implies that Ministries are likely to be disloyal to their chief. The Prime Minister as Chairman of the Council is a safeguard against such unlikely contingencies for it will be the duty of all departments and agencies to cooperate with the Council because requests from the Council would come through the Prime Minister.

Apart from these considerations we would emphasise that the primary function of the Council is to assist and stimulate all scientific research and if necessary to remove antagonisms where they exist.

8. It must also be borne in mind that the government is not the only sector involved in scientific research. Other organisations such as quasi-government and non-government organisations are involved.

9. The dissentient's proposal to omit representation from the socio-economic sphere will deprive the Research Council of eminent men who are aware of the needs of society and the economic possibilities within which projects can be carried out.

If the desired goal is to be achieved then the field of socio-economics must find representation, as otherwise the projects both research and development will be out of context with living reality.

10. One of the chief functions of the Research Council will be to ensure that the programmes of research are drawn up by the most knowledgeable persons in the field, the scientists themselves.

It is the scientists who will be called upon to execute the programmes of work and it is they and only they who will be able to correctly advise the government regarding the manner in which scientific work should proceed in the best interest of the country.

This is a privilege afforded to many other spheres of activity in the country, for example, the administrative and legal spheres, and it is a privilege which for so long has been denied to the scientists much to the detriment of the country's interests.

11. The presence of Ministers in the Council is likely to inhibit free expression of views by departmental officers and may stand in the way of a detached scientific and impersonal approach to problems under examination by the Council.

For the reasons elaborated above, the Ceylon Association for the Advancement of Science would adhere to the original section in the proposed draft on which the dissenting view has been put forward.

This (5th Membership of the Council) has been accepted by everybody save the dissentient, Mr. E. Mahadeva.

We wish to completely dissociate ourselves from the dissenting view as it is contrary both in spirit and principle to the pattern of a National Research Council. This view is completely removed from the ideas the Ceylon Association for the Advancement of Science had in mind when it first proposed the creation of such a Research Body for Science. Nothing that has happened in the history of our country since that time has given us cause to change our thinking on this subject.

sgd. H.D. Wijesekera

sgd. N.G. Baptist

sgd. E.O.D. Wijesekera

25th June 1964.

Some Notes On The Establishment Of the

National Science Council of Ceylon .

Put up.
Incorporated by an Act of Parliament,

Act No. 9 of 1968 and Amendment Act No.44 of 1968

- 1948 - The C.A.A.S. first proposed the creation of a body which would have over-all responsibility for the formulation of a National Science Policy. The memorandum on the creation of a Council for Scientific and Industrial Research for Ceylon was presented to the first Prime Minister, Mr. D.S.Senanayake. A draft bill was drawn up on lines similar to that of the Indian Council and Industrial Research.
- 1950 - The C.A.A.S. appointed a committee to study the organization of scientific industry in Ceylon.
- 1952 - The report ^{of} this committee was endorsed by the General Committee and presented to the Hon. D.S.Senanayake, Prime Minister. Since no action was taken on this matter, ^a C.A.A.S. delegation interviewed Mr. D.S.Senanayake, Prime Minister and urged him once again to take necessary action to see that a Research Council on the lines indicated in the 1949 memorandum was formed.
- 1953 - No action was taken up to this time. The C.A.A.S. took up the matter again. This move however, went ^k astray and resulted in the creation of the C.I.S.I.R.
- 1956 - As no action on the formation of a National Research Council was taken, had up to then been taken by the Government, the C.A.A.S. formed a General Research Committee of eighteen as a substitute for the National Research ~~Committee~~. *Council*
- 1960 - The General Research Committee re-examined the original C.A.A.S. proposals to form a National Research Council.
- 1961-63 - The C.A.A.S. submitted a memorandum to the Minister of Industries, Mr. Maithripala Senanayake. A Cabinet paper on the creation of a National Research Council was drawn up and presented to Mr. Senanayake as an out-come of these discussions. It was ^{preceed} ~~preceed~~ ^{preffede} ~~preceed~~ further proposed that a " Science Commission" should proceed the creation of a body such as the National Research Council. On the Minister's request, the C.A.A.S. explored the possibility of obtaining Unesco aid in the ~~formation~~ of high level experts to serve on this Commission. The formation of a Science Committee of 5 members as a preliminary to setting up the National Research Council was approved by the Cabinet in November 1963.

Science
Commission

After subsequent discussion with the Director, UNESCO Science Co-operation Office, New Delhi, the then Prime Minister decided that instead of the proposed " Science Commission" a conference of representatives of various departments and organizations engaged in research be convened to discuss proposals for the

formation of the National Research Council. These decisions were to be conveyed to her.

At this meeting a Sub-committee ~~comprising~~

was appointed to prepare the draft proposals for the establishment of a National Research Council.

1964 - The Draft Act was prepared, and submitted to the Hon. Prime Minister for discussion.

Dissenting views The dissenting views of Mr. B. Mahadeva, Permanent Secretary, Ministry of Agricultural Food and Fisheries and comments on the dissenting view by members of the delegation representing C.A.A.S. were submitted together with the Draft Act.

Major differences of opinion related to

- a) Ministerial Representation on the Council.
- b) Whether the Prime Minister should be Chairman of the Council.
- c) Whether the Council should be allowed to have executive functions in addition to its Advisory responsibilities.

Minor disagreements arose on

- a) Numerical strength of the Council.
- b) Financing of the Council.
- c) Appointment of the Secretary-General.

1966 - In view of the differences of opinion that had arisen, the Prime Minister instructed the Economic Secretary to the Cabinet to consider the matter afresh and finalise a draft bill for Cabinet approval.

A memorandum dated 1st February 1966 issued by the Economic Secretary embodied the following suggestions.

- 1) The proposed Council be given a special position, so that as an Advisory Body, its proposals be given serious and careful consideration by the Government. However, appointment of the Prime Minister as Chairman would not be feasible for certain reasons.
- 2) "Ministers have no real place in a National Research Council as a Research Council would for the most part concern itself with matters of a specialist nature". It would be preferable to appoint to the Research Council "those who normally act as advisors to the Minister on Scientific matters".

- 3) As there was a possibility that if the Prime Minister and other Ministers were excluded from the Council, the advice it gives could easily be neglected, ~~it~~ was suggested that the Governor-General be appointed as Patron of the Council. The Council would act as advisor to the Governor General on Scientific matters. The Governor General in turn would convey the advice to Cabinet or individual Ministers.
- 4) The position of the Council be strengthened by placing the C.I.S.I.R. in its charge. The Council would be responsible for appointing a Managing Board and Director and for formulating the over-all policy of the C.I.S.I.R.
- 5) The criticism that since the Council was an advisory body, it was anomalous for it to have executive powers, did not appear to be reasonable.

* ~~Feb. 1966~~ - Economic Advisor - Ministry of P. & E. A. to Gen. President CAAS
It was also suggested, that
Suggestion - as an alternative, ~~propose~~ a Ministry of Science and Technology be set up first - Such a Ministry would be in a better position to recommend, ~~advise~~ and promote the creation of advising ^{or} bodies.

Comments on proposal of Economic Advisor/Ministry of P. & E.A.

Commenting on this memorandum Dr. N. G. Baptist suggests^{ed} that

- a) No ~~minis~~²tr¹ial representation on the Council was necessary or desirable.
- b) It was not necessary that the P.M. be Chairman, if ~~it~~ direct liason can be provided between Council and Cabinet.
- c) To achieve a degree of ~~ef~~^fectiveness and realism, it was desirable that the Council have some executive responsibility - example C.I.S.I.R., M.R.I. and other state sponsored Research Industries ^{Incr. into S} ~~sh~~ould... eventually be brought under the executive responsibility of the Council.

Minor features

- a) Numerical strength should not exceed 19, including the Chairman
- b) Financing should preferably be under the Ministry of Planning
- c) S.G. be appointed by the G.G. on the recommendation of the Council of the CAAS.

CAAS view

- a) The CAAS was not opposed to the setting up of a Ministry of ^{Science} ~~Scienti-~~fic and Technology but it was not willing to accept the Ministry as a substitute for a National Research Council.
- b) They were still agreed that the P.M. should be Chairman.
- c) It was also agreed that "in its relationship to Government the Council of course could have advisory function only. But this did not in any way conflict with the Council having all the executive powers of a corporate body in matters that did not involve a direct relationship with Government."

1967

Nov. 27, 1967 - A Draft Bill

↳ "to provide for the Establishment of the National Science Council of Ceylon for matters connected therewith" was presented to Parliament.

on the 27th November 1967. — Presented by the
then Prime Minister - The Hon. Dudley Senanayake.

[Handwritten signature]

✓

Institute of Ecological Research.

A memorandum, ^{submitted} ~~drafted~~ by the late Dr. U.B.M. Ekavayake on the establishment of an Institute for Ecological Research, and

At the

It is proposed to ~~study~~ re-examine the

of Sec. D.

At the Annual Business Meeting held on 8th Dec. 1971, at 10.30 in the B.S. Lochu Theatre.

Prof. A.C.S. Neerakom proposed, that the memorandum ~~submitted~~ ^{drafted} by the late Dr. U.B.M. Ekavayake, be re-examined, and a

Notes for Hon. Minister's talk to

National Science Council

The necessity to organise and direct scientific activities for the development of a country's resources has been recognised all over the world. The methods by which the science policy for a country should be developed is currently receiving the attention of both the highly industrialised and the developing countries. Central scientific organizations have been set up in many countries, but because the concept of an organised scientific policy is comparatively new, these central co-ordinating organizations have taken different forms in different countries. It might be said that the development of central science policy making bodies is still in the early stages.

Our own attempts at creating a centralised co-ordinating scientific body was the formation of the National Science Council in 1968, under the National Science Council, of Ceylon Act No: 9 of 1968. Under this Act, the Council consists of 21 members representing the main areas of scientific research, namely

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

The main functions of the Council as specified in the Act are briefly -

- (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;
 - (c) the steps that should be taken to maintain an adequate supply of scientific and technical personnel;
 - (d) matters of scientific policy including the allocation of funds for scientific research.
- (2) Initiate, promote and intensify fundamental and applied research.
- (3) To collect and disseminate information on scientific and technical matters, and publish reports etc.

Unfortunately, the first Council was unable to carry out some of these functions effectively. The Council realised that this was primarily due to the lack of direct links with the Ministries concerned with scientific and technological activities, and with planning. The former Council therefore recommended to me that the

Council should be reconstituted in such a way as to bring in members who would provide liason between the National Science Council and the various Ministries. Briefly, they recommended that the Ministries should form Standing Research ^{Committees} and that the Chairman of each such Standing Research Committee should be a member of the National Science Council. In the case of certain Ministries whose activities were related, Joint Standing Research Committees were to be formed.

These recommendations were taken up at Cabinet level by me and accepted by Cabinet. This Council is thus constituted on the basis of this ^{Scheme} schedule, but at the same time, keeping within the provisions of the Act.

Some of you have been appointed to represent the Standing Research Committees of the various Ministries and I must request such members to ensure that the Standing Research Committees function effectively and that information on the work of their Ministries is fed back to the National Science Council. In this context, I might refer to the difficulty the executive staff of the Council have already experienced when attempting to collect any relevant data, viz. on Manpower Resources and needs, other resources, expenditure on research and experimental development etc. No planning is possible without reliable data of this nature. Perhaps, this lack of co-operation results from the ignorance of the value of this type of data to development planning, and therefore it must devolve on you, especially those of you representing the Standing Research Committees to inculcate this attitude of co-operation among those departments and institutions within your (particular group). One of your functions is to advise Government on the allocation of funds for scientific research and it would therefore be necessary for the representatives of the various Ministries to advise the Council on such matters.

The establishment of a functional Scientific and Technical Documentation Centre is a long-felt need of the scientific community. The Ministry has already taken steps to obtain the assistance of an ^{Agency} International ~~Assembly~~ to establish such a Centre. This very important ancilliary service, I hope, will soon become a reality. It would seem logical that such a Centre, should be linked to the Council, and I therefore request you to give this proposal high priority in your programme for the year.

The absence of ancilliary services has been one of the causes of the Brain Drain, both external and internal. Again high priority should be given by the Council to matters pertaining to the provision of such services in the current context of our economy. You will all agree with me, no doubt, that it is most important that the favourable conditions be provided for scientists, if the present Brain Drain is to be arrested or hopefully even reversed.

The N.S.C. should be aware of the openings in the various Scientific Research Institutions and Institutions of Higher Education. It should endeavour to assess employment needs and direct and assist trained scientific and technical personnel to find their correct niche in the scientific community. This is important if we are to encourage our young scientists, who have been trained abroad to return home.

At present, scholarships and fellowships in all disciplines are channelled through the Dept. of External Resources. I expect the new council could prepare a report on the feasibility of channelling awards for all fields of science and technology through the Council.

Finally, I must stress again that the Council will function as the Premier Science Policy Making Body in the country. Most developing countries are striving to achieve a coherent policy for Science which will run concurrent with its development policy. We are no exception, ^{and} to do this we must develop our own indigenous scientific resources. Each of you, represents either a particular discipline or a group of disciplines. Each of you provides the specialist expertise we need to channel our limited resources and achieve tangible results. To do this, I ask each of you to participate actively in determining all matters of policy in particular so that the executive machinery of the NSC now set in motion can function in a manner satisfactory to all of us.

CABINET MEMORANDUM
NATIONAL SCIENCE COUNCIL

The National Science Council was established under the National Science Council of Ceylon Act No. 9 of 1968 and the Act came into operation on 17th April, 1968 by notification of the then Minister of Scientific Research and Housing (Gazette Extraordinary No. 14,796/3 of 6th April, 1968).

The main functions of the Council are :-

- (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.

The council consists of 21 members all of whom are appointed by the Minister. Each member holds office for a period of three years.

Though the National Science Council has been in existence for 3 years it has not been able to carry out its major functions effectively. I consider that this is primarily due to the fact that the Council as a whole has had no direct links with the Ministries under which the major scientific activities of the country are carried out. Because of this lack of intimate contact with scientific activities in the country the National Science Council has tended to work in isolation. It is therefore desired to re-constitute the Council in such a way as to enable it to perform its functions satisfactorily.

It is recognised that planning, co-ordination and implementation of research and development activities that may be pertinent to a particular Ministry, or group of Ministries having related functions should derive from within such Ministries. If each of these various groups of Ministries is represented on the National Science Council there would be a more effective measure of co-ordination among the various sectors of research activity that are presently carried out in the departments, research institutes and universities.

To achieve this co-ordination it is suggested that the Ministries in which scientific research is presently carried out should be grouped in the following manner :-

Group 1

- (a) Ministry of Agriculture and Lands.
- (b) Ministry of Irrigation, Power and Highways.
(Irrigation Section)

Group 2

Ministry of Fisheries.

Group 3

Ministry of Foreign & Internal Trade
(Food Research Activities)

Group 4

- (a) Ministry of Industries & Scientific Affairs.
- (b) Ministry of Plantation Industries.

Group 5

- (a) Ministry of Irrigation, Power & Highways.
(Power and Highways Group).
- (b) Ministry of Communications.
- (c) Ministry of Posts and Telecommunications.

Group 6

Ministry of Housing and Construction.

Group 7

Ministry of Health.

Group 8

- (a) Ministry of Education.
(including universities).
- (b) Ministry of Cultural Affairs.

Within each of the above groups of Ministries it is proposed that a Standing Research Committee be set up. This Standing Research Committee would be responsible for the planning and co-ordination of the research activities within the group of Ministries. It is suggested that a Chairman should be appointed to each Standing Research Committee by consultation among the particular Ministers concerned. Such Chairmen would then be appointed by the Minister of Industries and Scientific Affairs to be a member of the National Science Council. These members would then be in a position to transmit to the National Science Council the scope and range of research activities in different Ministries and this in turn would assist the National Science Council in formulating an overall policy for scientific research.

In order to bring about co-ordination in the allocation of funds it is also proposed that a representative each of the Ministry of Planning and Employment and of the Ministry of Finance be appointed to the National Science Council. The balance members would be appointed by the Minister of Industries and Scientific Affairs from among persons who are engaged in or closely associated with the pursuit, promotion and application of science. The opportunity would be taken in these appointments to represent various branches of research activities which would not otherwise be adequately represented on the Council.

The substance of these proposals have been circulated to the various Ministries concerned with scientific and technical work and this memorandum incorporates the suggestions that have been made by some of the Ministries.

These proposals could be implemented within the frame-work of the present National Science Council of Ceylon Act. It is requested that the Cabinet approves the above proposals and directs the Ministers concerned to agree to the formation of the proposed Standing Research Committees and to nominate a representative from each group to serve on the National Science Council.

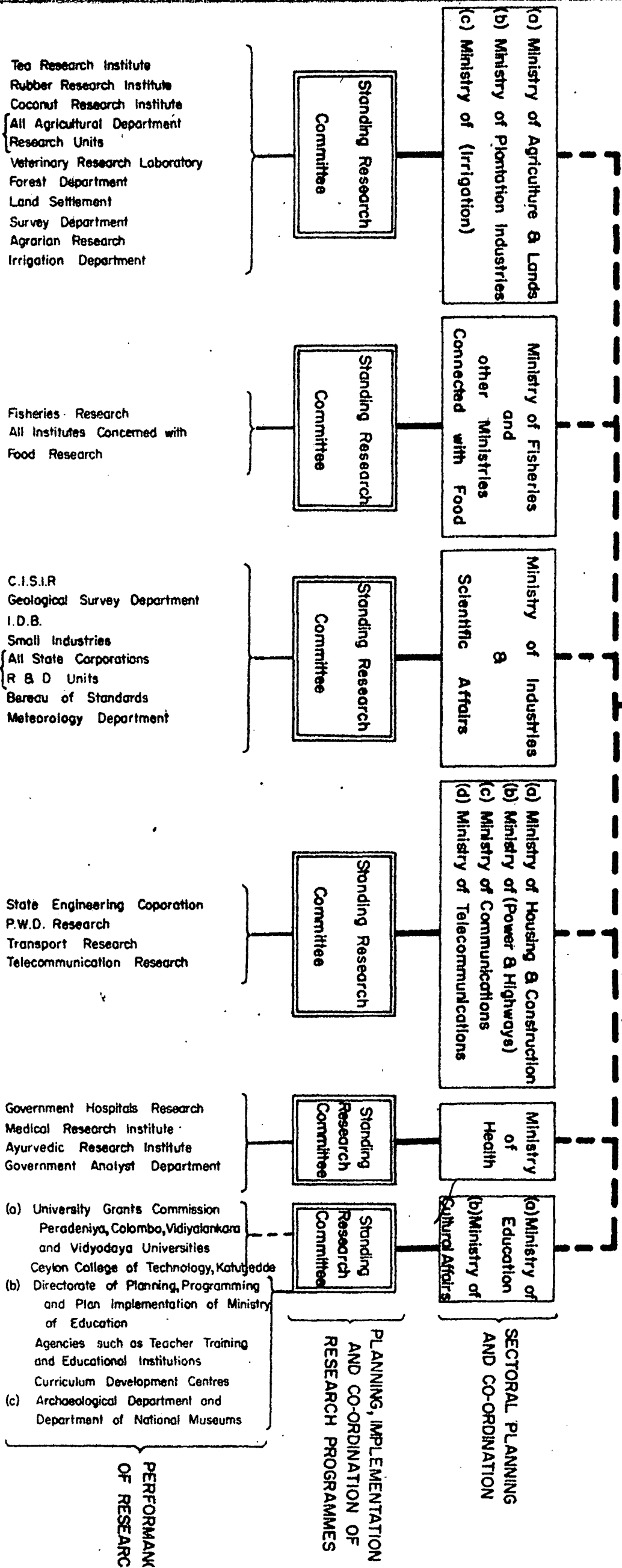
Sgd: T. B. Subasinghe.

Minister of Industries and Scientific
Affairs.

Ministry of Industries and Scientific Affairs,
48, Sri Jinaratana Road,
Colombo 2,

9th July, 1971.

NATIONAL SCIENCE COUNCIL



KEY

--- Advisory functions and Co-ordination.

— General directions and Budget approval.

— Executive functions: Co-ordination of Research projects, transfer of funds and partial Supervisory responsibilities.

— Activating research in subject areas of interest to other groups of Ministries, and transfer of funds.

DRAFT NATIONAL SCIENCE COUNCIL OF SRI LANKA BILL

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL SCIENCE COUNCIL OF SRI LANKA AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows :-

1. This Law may be cited as the National Science Council of Sri Lanka, Law No. of 19 . Short title and date of operation.

PART I

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 (in this Law 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. Establishment of the National Science Council of Sri Lanka.
- (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.
- (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. The duties of the Council shall be : Duties of the Council.
- (1) to advise the Minister on :-
- (a) the application and utilization of science and technology for the development of Sri Lanka ;
- (b) the formulation of science policy ;
- (c) the allocation of funds for scientific and technological research; and
- (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 objectives of :-
 - (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) to collect, disseminate and publish scientific and technical information ;
- (4) to establish and maintain liaison with scientists and technologists; and scientific and technological institutions in Sri Lanka and in other countries;
- (5) to study and report on :-
 - (a) the effective utilization of the available scientific and technological personnel in the country;
 - (b) the future scientific and technological manpower requirements for the effective implementation of the science policy of the country; and
 - (c) the steps that should be taken to provide adequate training facilities to meet such future manpower requirements;
- (6) to take cognisance 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.

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

Powers of the Council.

- (a) make grants to a scientist or technologist; a team of such persons; a Research Institute; a 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 work;
 - (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 the country;
 - (h) provide for persons having a specialized technical knowledge in the state service or in quasi-Government institutions, the facility to serve on the staff of the Council for specified periods of time; and make available to the state service or quasi-Government institutions, the services of persons on the staff of the Council, for specified periods of time;
 - (i) 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;
 - (j) appoint, employ, remunerate and have disciplinary control over its officers, servants and agents;

- (k) establish and maintain provident funds and provide welfare and recreational facilities for its employees;
- (l) make rules in respect of the administration of the affairs of the Council;
- (m) delegate to the Executive Committee or the Secretary-General, 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
- (n) 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 its functions and powers under this Law, the Council shall comply with such general or, after consultation with the Council, with such 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 eleven members, of whom - Constitution of the Council.

- (a) seven, who have distinguished themselves in any field of Science or Technology, shall be appointed by the Minister; and
- (b) four shall be ex-officio members, namely,
 - (i) The Secretary-General.
 - (ii) The Secretary, Ministry of Scientific Affairs or his representative.
 - (iii) The Secretary, Ministry of Planning or his representative.
 - (iv) The Secretary, Ministry of Finance or his representative.

(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 the National State Assembly.

7. (1) The Minister shall appoint one of the members of the Council appointed under paragraph (a) of sub-section (1) of Section 6 to be the Chairman of the Council. Chairman of the Council.
- (2) The members of the Council shall from amongst those appointed under paragraph (a) of sub-section (1) of Section 6, 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. Vice-Chairman of the Council.
8. (1) Every member of the Council, who is not an ex-officio member shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of three years. Terms of Office of the Members of the Council.
- (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 member of the Council, appointed under paragraph (a) of sub-section (1) of Section 6, without reason stated. 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 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.
10. A member of the Council, other than an ex-officio member, 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. Resignation of 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. Casual vacancies among members.
- (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.
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.
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. Act 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 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 authorised 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 authorised 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 three months. Meetings of the Council.
- (2) The quorum for any meeting of the Council shall be at least five.
- (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 any 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 sub-section (1) of Section 6.
- (2) The Council may delegate to the Executive Committee established under sub-section (1) 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.
 - (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, on the recommendation of the Council, may 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.
- (b) 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 convenor of that Working Committee.
- (2) The meetings of a Working Committee shall be held once at least in every two months.
 - (3) A Working Committee appointed under sub-section (1) shall have a membership not exceeding seven.
 - (4) Every member appointed to a Working Committee under sub-section (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 sub-section (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 sub-section (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.

PART II

STAFF 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 Council. The Secretary-General shall be employed on such terms and conditions as shall be determined by the Minister in consultation with the Minister of Finance. Appointment of the Secretary-General and other officers and servants of the Council.
- (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 to temporarily 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 other 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, 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 it shall be the duty of the Secretary-General to exercise, discharge or perform those powers, functions or duties 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.
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;
 - (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.
- Powers of the Council in regard to the staff of the Council.

- (2) Rules may be made under this Law in respect of all or any of the matters referred to in sub-section (1).
- (3) At the request of the Council, any officer in the state service may, with the consent of that officer and the 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 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 state service is temporarily appointed to the staff of the Council, 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.
- (4) Where any officer in the state service is permanently appointed to the staff of the Council, 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.
- (5) Where the Council employs any person who has entered into 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 (other than a member of the Local Government Service Commission) of any local authority may, with the consent of such member, 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 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 the Local Government Service Commission or that authority.

- (7) Where any person is temporarily appointed to the staff of the Council, in pursuance of the provisions of sub-section (6) he shall be subject to the same disciplinary control, as any other member of such staff.
- (8) Any officer or servant of a State 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 sub-section (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
- (2) There shall be paid into the Fund of of the
the Council - Council.
 - (a) all such sums of money as may be voted from time to time by National State Assembly for the use of the Council; and
 - (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 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.
23. (1) The income of the Council shall be exempt from Income Tax. Exemption from Taxes and Duties.
- (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 of Finance approves of such exemption.
24. The financial year of the Council shall be the period of twelve months commencing on the first day of January each year. Financial year.
25. 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 Council. Applications of the provisions of the Finance Act, No. 38 of 1971.
- PART IV
GENERAL
26. (1) The Council may make rules in respect of all or any matters for which rules are authorised or required by this Law to be made. Power of Council to make rules.
- (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 state officers within the meaning of, and for the purpose of, the Penal Code. Council deemed to be state officers.

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 Act 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 purports 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 Council.

31. The Council may enter into and perform or carry out, whether directly or through any officer or agent, authorised 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. **Contracts.**
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. **Acquisition of immovable property under the Land Acquisition Act for the Council.**
- (2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Council shall be paid by the Council.
33. (1) Where any immovable property of the Crown is required for the purpose of the Council, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Council. **Crown property both movable and immovable to be made available to the Council.**
- (2) Where any movable property of the Crown 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.
34. The Council or any person authorised in that behalf by the Council may by notice in writing require any person to furnish to the Council or the person so authorised within such period **Returns and information.**

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.

35. Any officer or servant of the Council who is generally or specially authorised 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 of making any investigation or examination preliminary or incidental to the exercise of any power, or the discharge of any function, of the Council.

Power to enter any land or premises.

36. (1) Every person who -

Offence 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 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 Law; 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 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 summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

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

This Law to prevail over other written law.

PART V

REPEAL AND TRANSITIONAL PROVISIONS

38. The National Science Council of Ceylon, Act No. 9 of 1968 and the National Science Council of Ceylon (Amendment) Act No. 44 of 1968 are hereby repealed.

Repeal of Act No. 9 and Act No. 44 of 1968.

39. Subject to the provisions of this Law, and of any appropriate Instrument, the following provisions shall apply as from the date on which the Council is established.

(1) All officers and servants in the service of the old Council, on the day immediately prior to that date, shall be deemed to be officers and servants in the service of the Council, and shall hold their offices with as nearly as may be the same status and on the same terms, including terms relating to salary or wages, the termination of employment, allowances or other benefits as they had or enjoyed in the service of the old Council.

- (2) All debts, obligations and liabilities incurred and all contracts, deeds, bonds, agreements and other instruments executed or entered into, and all matters and things engaged to be done by, with or for the old Council, prior to that date shall be deemed to have been incurred, executed, entered into or engaged to be done by, with or for the Council, subject to the provisions of paragraph (1) of this section.
- (3) All suits, prosecutions, appeals or other legal proceedings, civil and criminal, instituted or which might have been instituted, by or against the old Council, prior to that date may, subject to the provisions of this Law and of any other written law, be continued or instituted by or against the Council.
- (4) All decrees or orders made by a competent Court in favour of, or against, the old Council, prior to that date shall be deemed to have been made in favour of, or against, the Council.
- (5) All property, movable or immovable, which has been vested in, or legally purchased or acquired by, or leased to, or placed at the disposal of, or in any other manner transferred to the old Council, or is in its possession or control at that date shall be held by or in trust, for the Council, subject to the trusts, charges, liabilities, reservations, servitudes or other encumbrances and on the terms and conditions appertaining, attaching or applicable thereto at that date.
- (6) All rules and regulations made by the authorities of the old Council shall be deemed to be rules and regulations made by the Council.
- (7) The Fund of the old Council established under Section 21 of the National Science Council of Ceylon, Act No.9 of 1968, shall be deemed to be the Fund of the Council.

40. In this Law, unless the context otherwise requires -

Interpretation.

"appropriate Instrument" in any context relating to the Council or any authority thereof, the officers of the Council or any other body of the Council, means any rule or regulation applicable thereto duly made under this Law.

"Minister" in any context relating to the Council means, the Minister to whom the subject of Scientific Affairs is for the time being assigned.

"officers and servants" mean persons holding posts declared to be that of an officer or servant under the provisions of Section 20.

"old Council" means the Council established under the National Science Council of Ceylon, Act No. 9 of 1968.

"Secretary-General" in any context relating to the Council means the Secretary - General of the Council.

"the Council" means the Council established under this Law.

PARLIAMENT OF CEYLON

3rd Session 1967-68



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.

(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.

The Fund of
the Council.

(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 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.