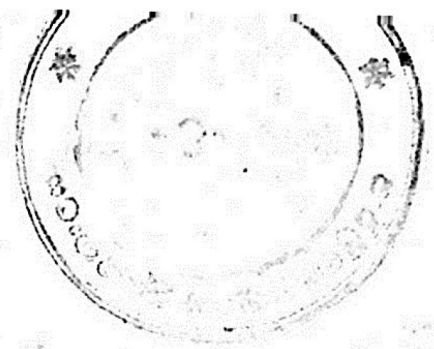




PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

NATIONAL INSTITUTE OF
PLANTATION MANAGEMENT
ACT, No. 45 OF 1979

[Certified on 28th June, 1979]

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L.D.—O. 41/78

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL INSTITUTE OF PLANTATION MANAGEMENT AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the National Institute of Plantation Management Act, No. 45 of 1979, and shall come into operation on such date, (hereinafter referred to as the “appointed date”), as may be appointed by the Minister by Order published in the *Gazette*.

Short title
and date of
operation.

PART I

CONSTITUTION, OBJECTS, POWERS AND FUNCTIONS OF THE NATIONAL INSTITUTE OF PLANTATION MANAGEMENT

2. (1) There shall be established an Institute which shall be called the “National Institute of Plantation Management” (hereinafter referred to as the “Institute”), which shall consist of the persons who are for the time being members of the Institute under section 6.

Establishment
of the
National
Institute of
Plantation
Management.

(2) The Institute shall by the name assigned to it by subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

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

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

General
objects of
the Institute.

(a) to provide, by itself or in association with other institutions in Sri Lanka or abroad, training facilities and programmes relating to plantation management to all categories of employees working in the plantations ;

(b) to provide regular refresher and orientation courses in Plantation Management to employees in service ;

(c) to offer training in Plantation Management to personnel working in the plantations both in the public sector as well as in the private sector ;

(d) to provide Diploma Courses in association with the Tea Research Institute, the Rubber Research Institute, the Coconut Research Institute and other related institutions and to award Diplomas where appropriate ;

(e) to sponsor and hold seminars, workshops and conferences and publish journals and magazines in connection with plantation management and development ; and

(f) to carry out research into areas of plantation management and labour relations that are not already provided for in other similar institutions.

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

**Powers
of the
Institute.**

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

(a) acquire in any manner and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property ;

(b) acquire, establish, instal and operate field training centres and pilot projects relating to plantation research ;

(c) import plant, machinery and equipment required for the purpose of the Institute and receive equipment, funds, personnel and any other assistance for the efficient conduct of the Institute ;

(d) conduct, assist, co-ordinate and encourage research into all aspects of plantation development ;

(e) levy fees or charges for any services rendered by the Institute ;

(f) appoint, employ, remunerate and exercise disciplinary control over its officers and servants ;

(g) establish and maintain provident funds and provide welfare and recreational facilities for its employees ;

(h) make rules in respect of the administration of the affairs of the Institute ; and

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- (i) delegate to any member, the Director of the Institute, or any employee such functions as the Board of Governors may consider necessary for the efficient transaction of its business.

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

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

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

Constitution of the Board of Governors.

- (a) the Secretary to the Ministry of the Minister in charge of the subject of Plantation Industries who shall be the Chairman ;

- (b) the following *ex officio* members, namely—

- (i) the Chairman of the Sri Lanka Tea Board ;
- (ii) the Director of the Rubber Research Institute ;
- (iii) the Director of the Coconut Research Board ;
- (iv) the Chairman of the Tea Small Holdings Development Authority ;
- (v) the Director of the Tea Research Institute ; and
- (vi) a representative from any of the Universities nominated by the University Grants Commission ;

- (c) the following other members appointed by the Minister, namely—

- (i) one representative of the Ministry of the Minister in charge of the subject of Plantation Industries and two others nominated by the Minister in charge of the subject of Plantation Industries ;
- (ii) a representative of the Ministry of the Minister in charge of the subject of Planning ;
- (iii) a representative of the Ministry of the Minister in charge of the subject of Agriculture ;
- (iv) a representative of the Minister in charge of the subject of Industries ;
- (v) a representative of the Ministry of the Minister in charge of the subject of Education ; and
- (vi) a representative of the Ministry in charge of the subject of Labour.

(2) The Minister may in consultation with the Chairman appoint a Vice-Chairman from among the members of the Board.

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

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

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

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

(5) Where a member of the Board appointed under paragraph (b) of subsection (1) is, by reason of illness or other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may, having regard to the provisions of that paragraph, appoint any person to act in his place.

Terms of
office of
members of
the Board.

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

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

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

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

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

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

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

Resignation
of members
of the Board.

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

Eligibility for
reappoint-
ment as
member of the
Board.

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

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

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

Reimburse-
ment of
expenses
of members
of the
Institute.

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

Meetings
of the
Institute.

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

Board to
administer
the affairs
of the
Institute.

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

Delegation of
powers and
duties of
the Board.

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

PART II

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

Employees
of the
Institute.

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

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

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

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

Powers of
the Board
in regard
to appoint-
ments to the
Staff of the
Institute.

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

- (a) appoint, dismiss and exercise disciplinary control over the staff of the Institute;
- (b) fix the wages or salaries or other remuneration of the staff;
- (c) determine the terms and conditions of service of such staff; and
- (d) establish and regulate provident funds and schemes for the benefit of such staff and make contributions to any such fund or scheme.

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

Appoint-
ment
of public
officers to
the staff
of the
Institute.

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

(2) Where any officer in the public service is temporarily appointed to the staff of the Institute, the provisions of subsection (2) of section 13 of the Transport Board Law, No. 19 of 1978, shall, *mutatis mutandis*, apply to and in relation to him.

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(3) Where any officer in the public service is permanently appointed to the staff of the Institute, the provisions of subsection (3) of section 13 of the Transport Board Law, No. 19 of 1978, shall *mutatis mutandis*, apply to and in relation to such officer.

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

(5) At the request of the Board any member of the Local Government Service or any other officer or servant of any local authority may, with the consent of such member or officer or servant and the Local Government Service Advisory Board or that authority, as the case may be, be temporarily appointed to the staff of the Institute for such period as may be determined by the Board with like consent, or be permanently appointed to such staff, on such terms and conditions including those relating to pension or provident fund rights, as may be agreed upon by the Board and the Local Government Service Advisory Board or that local authority.

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

19. (1) Any officer or servant of a public corporation may, with the consent of such officer or servant and the Board of Directors of such corporation, be temporarily or permanently appointed to the staff of the Institute on such terms and conditions, including those relating to provident fund rights, as may be agreed upon by the Board of Directors of that corporation and the Board of Governors of the Institute.

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

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

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Officers and servants of the Institute deemed to be public servants within the meaning of the Penal Code.

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

Institute deemed to be a scheduled Institution within the meaning of the Bribery Act.

21. The Institute shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be constructed accordingly.

PART III

FINANCE

Capital of the Institute.

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

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

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

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

Financial year of the Institute.

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

PART IV

GENERAL

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

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

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

26. (1) Where any immovable property of the State is required for the purpose of the Institute, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance, and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Institute.

State property both movable and immovable made available to the Institute.

(2) Where any immovable property of the State is required for the purpose of the Institute, the Minister may, with the consent of the Secretary to the Ministry or the head of the Department to which such property belongs or which was in possession of such property by Order published in the *Gazette*, transfer to and vest in the Institute the possession and use of such movable property.

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

Government to make available premises &c. for the use of the Institute.

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

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

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

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

(2) Any expense incurred by such person as is referred to subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done by him under this Act or on the direction of the Board shall, if the court holds that the act was done in faith, be paid out of the funds of the Board.

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

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

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Power of
Institute
to make
rules.

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

(2) A rule made by the Institute under subsection (1) shall not have effect until it is approved by the Minister and is published in the *Gazette*.

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

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

Interpretation.

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