



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**SRI LANKA INSTITUTE OF DEVELOPMENT
ADMINISTRATION
ACT, No. 9 OF 1982**

[Certified on 11th March, 1982]

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L.D.—O. 87/80

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SRI LANKA
INSTITUTE OF DEVELOPMENT ADMINISTRATION AND TO PROVIDE
FOR MATTERS CONNECTED THEREWITH OF 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 Sri Lanka Institute of Development Administration Act, No. 9 of 1982, and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

Short title
and date of
operation.

PART I

**CONSTITUTION, OBJECTS, POWERS AND FUNCTIONS OF THE SRI
LANKA INSTITUTE OF DEVELOPMENT ADMINISTRATION**

2. (1) There shall be established an Institute which shall be called the Sri Lanka Institute of Development Administration (hereinafter referred to as the "Institute") consisting of the persons who are for the time being members of the Institute under section 6.

Establishment
of the
Sri Lanka
Institute of
Development
Administra-
tion.

(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 Governing Council shall be the members of the Institute.

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

General
objects of
the Institute

- (a) to develop through training, knowledge skills and behaviour in public officers, which are necessary for the effective performance of their official duties ;
- (b) to organize training courses in the fields of management and public administration ;
- (c) to award Certificates and diplomas in connection with training courses held by the Institute ;
- (d) to develop a competent cadre of supervisory and support staff throughout the public service to ensure efficient and effective administration at all levels ;

- (e) to make available to the Government and the country, the services of specialists in the various functional areas of management, for advice, consultancy and special assignments ;
- (f) to assist public sector agencies in reviewing and improving their organizational management systems ;
- (g) to undertake consultancy assignments ;
- (h) to provide a forum for critical appraisal and modification of management and organizational theories and practices and public administration systems ;
- (i) to assist public sector organizations in management development, establishment of work norms determination of compensation systems and generally improve their productivity ;
- (j) to actively collaborate with other organizations, groups and individuals in management training, research and related activities in Sri Lanka and abroad ;
- (k) to represent the Institute before appropriate national and international bodies and conferences ;
- (l) to sponsor and hold conferences and seminars and publish books and magazines in connection with management and public administration with the assistance of approved national or international organizations where necessary ;
- (m) to disseminate information on the functions and activities of the Institute to the public and relevant institutions.

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

Powers
of the
Institute.

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

- (a) acquire in any manner whatsoever and hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property ;
- (b) establish and operate management training and education centres ;

- (c) conduct, assist, co-ordinate and encourage research into all aspects of management ;
- (d) appoint, employ, remunerate and exercise disciplinary control over its officers and servants ;
- (e) levy fees or charges for any service rendered by the Institute ;
- (f) pay fees or charges for any services rendered to the Institute ;
- (g) import plant, machinery and equipment required for the purposes of the Institute, and receive equipment, funds, personnel and any other assistance for carrying out the objects of the Institute ;
- (h) establish work performance standards for its own personnel, evaluate such performance and take reasonable action thereupon ;
- (i) establish and maintain welfare and recreational facilities for its employees ;
- (j) make rules in relation to its officers and servants including the appointment, training, promotion, remuneration, disciplinary control, conduct and grant of leave ;
- (k) make rules in respect of the general administration of the Institute ;
- (l) do all other things which are necessary for or conducive or incidental to, the attainment of the objects and functions of the Institute.

5. In the exercise of its powers and the carrying out of its objects the Institute shall comply with the policy of the Government 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 Governing Council (hereinafter referred to as the "Council"), consisting of the following members appointed by the Minister, namely—

Constitution of the Governing Council.

- (a) a Chairman who shall be the person for the time being holding office as Secretary to the Ministry of the Minister in charge of the subject of Public Administration ;
- (b) the person for the time being holding office as Secretary to the Prime Minister ;
- (c) the person for the time being holding office as Secretary to the Ministry of the Minister in charge of the subject of Finance and Planning ;

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- (d) the person for the time being holding office as Secretary to the Ministry of the Minister in charge of the subject of Plan Implementation ;
- (e) the person for the time being holding office as Secretary to the Ministry of the Minister in charge of the subject of Higher Education ;
- (f) the person for the time being holding office as Secretary to the Ministry of the Minister in charge of the subject of Home Affairs ;
- (g) a person who, in the opinion of the Minister, has distinguished himself in management in the private sector ;
- (h) the person for the time being holding office as the Director of the Institute who shall also function as Convenor of the Council.

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

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

Term of
office of
members of
the Council.

7. (1) Every member appointed under 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) (a) Where a member of the Council appointed under section 6, dies or resigns or is removed from office, the Minister may, having regard to the provisions of that subsection, appoint another person to be a member in place of the member who dies, resigns or is removed from office.

(b) Any member of the Council 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.

(3) Where a member of the Council appointed under paragraph (g) of section 6 is, by reason of illness or other

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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.

8. (1) The Minister may, if he considers it expedient so to do, remove any member of the council appointed under section 6 or section 7 without reason stated.

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

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

9. A member of the Council may at any time resign his office by letter addressed to the Minister.

Resignation of members of the Council.

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 reappointment as member of the Council.

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 Council or defect in the appointment of any member of the Council.

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. All or any of the members of the Council may be paid such remuneration out of the funds of the Institute as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Remuneration of members.

13. (1) The meetings of the Council shall be held once at least every month.

Meetings of the Council.

(2) The Chairman shall give at least seven days' notice in writing of every meeting of the Council to each of the members, and shall specify in such notice the business to be dealt with at such meeting.

(3) The Chairman shall summon a special meeting of the Council within seven days after being requested in writing to do so by two members of the Council notwithstanding the provisions of subsection (2).

(4) Five members shall form a quorum at any meeting of the Board.

(5) The Chairman shall preside at meetings of the Council and in the absence of the Chairman from any meeting of the Council a member chosen by the majority of members present shall preside at such meeting.

(6) If the Chairman 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 appoint one of the members to act in his place.

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

(8) Subject to the provisions herein contained the Council may determine its own procedure.

PART II

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

Appointment
of the
Director of
the Institute.

14. (1) The Minister may appoint to the staff of the Institute, a Director of the Institute (hereinafter referred to as the "Director") who shall be the chief executive officer.

(2) The Director shall exercise, perform and discharge such powers, duties and functions 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 Director may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Powers of
the Institute
in regard
to appoint-
ments to the
staff
of the
Institute.

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

(a) appoint to the staff of the Institute such other officers and servants as may be necessary for the purposes of the Institute ;

(b) dismiss and exercise disciplinary control over the staff of the Institute ;

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

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

(e) 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).

16. (1) The Council may delegate to the Director all or any of its powers relating to the appointment of other officers or servants to the staff of the Institute. The conditions of employment including remuneration of any of the members of the professional staff appointed by the Director under the powers delegated to him shall be determined by him with the concurrence of the Council.

Delegation of powers of the Council to the Director in regard to appointments.

(2) Any person aggrieved by any decision made by the Director under this section may appeal therefrom in writing to the Council and the decision of the Council on such appeal shall be final.

(3) The dismissal by the Director of any member of the professional staff of the Institute shall not take effect unless it is approved by the Council.

17. The Director shall determine the duties of the officers and servants of the Institute.

Determination of duties.

18. (1) 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 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 Institute with like consent or with like consent be permanently appointed to such staff.

Appointment of public officers to the staff of the Institute.

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

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

(4) 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 the provident Fund rights, as may be agreed upon by the Board of Directors of that corporation and the members of the Council.

(5) 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.

PART III

FINANCE

The fund of
Institute.

19. (1) The Institute shall have its own fund.

(2) There shall be credited to the fund of the Institute

(a) all such sums of money as may be voted from time to time by Parliament for the use of the Institute; and

(b) all sums of money received by the Institute in the exercise, discharge and performance of its powers, functions and duties.

(3) All sums of money required to defray any expenditure incurred by the Institute in the exercise, discharge and performance of its powers, functions and duties shall be charged on the fund.

Financial
year of
Institute.

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

Audit of
accounts.

21. The provisions of Article 154 of the Constitution relating to the auditing of accounts shall apply in relation to the audit of the accounts of the Institute.

PART IV

GENERAL

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

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

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

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

Secrecy.

24. (1) No member of the Institute or an officer or servant of the Institute shall disclose to any person except to the Minister, or for the purposes of the performance

of his duties, or the discharge of his functions or when required to do so before a court or under any law, any information acquired by him in the performance of his duties or the discharge of his functions :

Provided, however, that no information in relation to matters which the Institute is bound to treat as confidential by any agreement with another party other than the Government shall be disclosed under the preceding provisions of this section.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

25. (1) Contracts on behalf of the Institute 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 Institute in writing under the common seal of the Institute ;

(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 Institute in writing signed by any person or persons duly authorized thereto by the Institute ;

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

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

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

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

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

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

27. (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.

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

Provided, however, that no Order affecting any movable property of the State shall be made under the preceding provisions of this section without the concurrence of the Minister having control over such property.

The State
to make
available
premises,
&c. for the
use of the
Institute.

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

Restriction
on use
of the
words "Sri
Lanka
Institute of
Development
Administra-
tion".

29. (1) No person other than the Institute shall carry on any activity, business, trade or occupation under the designation which contains the words "Sri Lanka Institute of Development Administration" or such other words the use of which would imply that such person is carrying on such activity, business, trade or occupation in association with, or with the approval of, or under the authority of, the "Sri Lanka Institute of Development Administration".

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

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

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

(2) The Minister may from time to time direct the Institute to furnish to him in writing such information as he may require relating to the work of the Institute.

Rules.

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

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

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

- (a) against the Institute for any act which in good faith is done or purported to be done by the Institute 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 Council.

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

(2) Any expense incurred by such person as is referred to in 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 Council shall, if the court holds that the act was done in good faith, be paid out of the funds of the Institute.

33. No writ against person or property shall be issued against a member of the Council in any action brought against the Institute.

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

34. Every person who commits an offence under this Act shall on conviction after trial before a Magistrate be liable to imprisonment of either description for a period not exceeding six months or to a fine not exceeding five hundred rupees or to both such fine and imprisonment.

Offences and penalties.

35. In this Act, unless the context otherwise requires—

Interpretation.

“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.