



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

**NATURAL RESOURCES, ENERGY AND
SCIENCE AUTHORITY OF SRI LANKA
ACT, No. 78 OF 1981**

[Certified on 31st December, 1981]

Printed on the Orders of Government

Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of January 01, 1982

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO

Price : Re. 1.10

Postage : 75 cents

Natural Resources, Energy and Science Authority of
Sri Lanka Act, No. 78 of 1981

[Certified on 31st December, 1981]

L. D.—O. 39/80.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATURAL RESOURCES, ENERGY AND SCIENCE AUTHORITY OF SRI LANKA ; TO SPECIFY THE POWERS, FUNCTIONS AND DUTIES OF THAT AUTHORITY ; TO REPEAL THE NATIONAL SCIENCE COUNCIL OF SRI LANKA LAW, No. 36 OF 1975 ; AND TO PROVIDE FOR MATTERS CONNECTED WITH OR INCIDENTAL TO THE MATTERS AFORESAID.

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

1. This Act may be cited as the Natural Resources, Energy and Science Authority of Sri Lanka Act, No. 78 of 1981, 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

ESTABLISHMENT OF THE NATURAL RESOURCES, ENERGY AND
SCIENCE AUTHORITY OF SRI LANKA.

2. There shall be established an Authority which shall be called the Natural Resources, Energy and Science Authority of Sri Lanka (hereinafter referred to as the "Authority") and which shall consist of the persons who are for the time being members of the Authority under subsection (1) of section 4.

Establishment
of the
Natural
Resources,
Energy and
Science
Authority
of
Sri Lanka.

3. The Authority shall, by the name assigned to it by section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

The Authority
to be a
body
corporate.

4. (1) The Authority shall consist of not more than eleven members to be appointed by the Minister from among persons who appear to him to have had experience of, or to have shown capacity in, matters connected with natural resources, energy and power, and science and technology.

Members
of the
Authority.

(2) The Minister shall appoint one of the members of the Authority to be the Director-General of the Authority.

(3) Every member of the Authority shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of three years from the date of his appointment, and shall, unless he has been removed from office be eligible for reappointment.

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(4) The Minister may, if he considers it expedient so to do, remove, by Order published in the Gazette, any member of the Authority without assigning any reason therefor.

(5) A member of the Authority in respect of whom an Order under subsection (4) is made by the Minister shall vacate his office on the date of publication of such Order in the Gazette.

(6) The removal of any member of the Authority under subsection (4) shall not be called in question in any court.

(7) A member of the Authority 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 such resignation has been accepted.

(8) If a member of the Authority dies or resigns, or is removed from office, the Minister may having due regard to the provisions of subsection (1) appoint any other person to be a member in place of the member who dies, resigns, or is removed from office.

(9) A member appointed under subsection (8) shall, unless he earlier resigns or vacates office by death or removal, hold office for the unexpired period of the term of office of the member whom he succeeds.

(10) Where a member of the Authority 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 member to inform the Minister in writing of such inability. The Minister may, having due regard to the provisions of subsection (1), appoint another person to act in his place.

Disqualifi-
cation from
being
appointed
or being
a member
of the
Authority.

5. A person shall be disqualified from being appointed or from continuing as a member of the Authority—

(a) if he is, or becomes, a Member of Parliament, or a member of any local authority; or

(b) if he is not, or ceases to be, a citizen of Sri Lanka; or

(c) if he is under any law in force in Sri Lanka or in any other country found or declared to be of unsound mind; or

(d) if he is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country.

6. (1) The seal of the Authority may be determined and devised by the Authority, and may be altered in such manner as may be determined by the Authority.

The seal
of the
Authority.

(2) The seal of the Authority shall be in the custody of such person as the Authority may decide from time to time.

(3) The seal of the Authority shall not be affixed to any instrument or document except with the sanction of the Authority and in the presence of two members of the Authority who shall sign the instrument or document in token of their presence.

(4) The Authority shall maintain a register of the instruments or documents to which the seal of the Authority is affixed.

7. The members of the Authority may be paid such remuneration out of the Fund of the Authority as the Minister may, in consultation with the Minister in charge of the subject of Finance, determine.

Remuneration
of
members.

8. (1) Subject to the provisions of this Act, the Authority may regulate the procedure in regard to the meetings of the Authority and the transaction of business at such meetings.

Proceedings
of the
Authority.

(2) The Director-General of the Authority shall preside at every meeting of the Authority at which he is present. In the absence of the Director-General from any meeting of the Authority, any member elected by the members present shall preside at such meeting.

(3) The person presiding at any meeting of the Authority shall, in addition to his own vote, have a casting vote.

(4) The quorum for any meeting of the Authority shall be six members.

(5) No act or proceeding of the Authority shall be invalid by reason only of the existence of any vacancy among the members or any defect in the appointment of any member.

PART II

DUTIES, FUNCTIONS AND POWERS OF THE AUTHORITY

Duties and
functions of
the
Authority.

9. The duties and functions of the Authority shall be—

(a) to advise the Minister regarding—

- (i) measures for the promotion and development of national self-reliance in the application of science and technology for the benefit of the people of Sri Lanka ;
- (ii) policy and measures for the management and development of the natural resources of Sri Lanka in a manner consonant with the national interest ;
- (iii) policy with regard to all aspects of the energy requirements of Sri Lanka as well as plans and programmes for the overall development of the energy resources of Sri Lanka and measures for the optimal use and conservation of energy ;
- (iv) the formulation and implementation of a science policy and the review thereof ;
- (v) the formulation and implementation of a technology policy and the review thereof ;
- (vi) the governance, management and direction of plans and programmes pertaining to the exploitation and development of natural resources and energy and the application and utilization of science and technology for the development of Sri Lanka through the respective and relevant Government departments, State institutions, local authorities, public corporations and any other body of persons, being a body which does not receive financial assistance from the State, and which is registered or incorporated, as the case may be, under any law in force in Sri Lanka ;

- (vii) the allocation of funds for the development of natural resources, energy resources and for scientific and technological research; and
 - (viii) any other matter that may be referred to the Authority by the Minister;
- (b) to collect and disseminate information, publish reports, periodicals and papers relating to natural resources and their systematic and co-ordinated exploitation and development, the exploitation and use of energy resources and the conservation of energy and any aspect relating to scientific and technical matters and to provide information and education to the public regarding such matters;
- (c) to establish and maintain liaison with individuals, associations or institutions in Sri Lanka and in other countries regarding matters relating to the development of natural resources and conservation and development of energy and concerning science and technology;
- (d) to study and report on—
- (i) the effective utilization of the available scientific and technological personnel in Sri Lanka;
 - (ii) the future scientific and technological manpower requirements for implementation of the science policy of Sri Lanka; and
 - (iii) the steps to be taken to provide adequate training facilities to meet future scientific and technological manpower requirements;
- (e) to take cognizance of and report on subjects of national importance concerning scientific, technological, educational, sociological and economic matters in Sri Lanka;
- (f) to initiate, sponsor and support scientific and technological research with the following objectives:—
- (i) the development of the resources of Sri Lanka;
 - (ii) the promotion of the welfare of the people of Sri Lanka; and
 - (iii) the advancement of science and technology in general in Sri Lanka; and

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- (g) to do such other things as may be necessary for the development of science and technology in Sri Lanka.

**Powers of the
Authority.**

10. The Authority shall have such powers, rights and authorities as may be necessary or expedient to carry out its duties and in particular, it may—

- (a) initiate, promote, conduct and co-ordinate research surveys and investigations regarding any aspect of the protection and development of the natural resources of Sri Lanka;
- (b) initiate, promote, conduct and co-ordinate research surveys and investigations regarding any aspect of the exploration, use and development of energy resources;
- (c) erect, equip and maintain buildings and laboratories for research facilities or institute any research programme either independently or in association with any other person;
- (d) institute and award research fellowships, studentships, scholarships, prizes and medals for work connected with exploration, use and development of natural resources and energy resources, and work connected with science and technology; and establish and manage a research fund or funds for promotion of research in these fields;
- (e) make grants to any scientist or technologist or a team of such persons or any research institute or any university or any recognized scientific body to commence or continue a specific research project or projects;
- (f) establish and maintain a scientific and technical documentation centre;
- (g) 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 Authority, sell, mortgage, lease, grant, convey, devise, assign, exchange or otherwise dispose of the same;

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- (h) to appoint such employees or agents as may be necessary for carrying out the functions of the Authority and to determine such remuneration as may have to be paid to such employees and agents;
- (i) make rules in respect of the administration of the affairs of the Authority;
- (j) invest the moneys of the Authority in such manner as may from time to time be determined by the Authority;
- (k) with the approval of the Minister, establish working committees to assist the Authority in any aspect of its work, define the scope of work and authority of such committees, and appoint persons to such committees with the approval of the Minister; and
- (l) do all such other acts and things as are incidental to or consequential upon or connected with the exercise, performance and discharge of the powers, duties and functions of the Authority.

11. In the exercise, performance and discharge of the powers, functions and duties of the Authority, the Minister may, as he deems necessary, issue any written, general or special directions to the Authority, whether in consultation with the Authority or otherwise, and the Authority shall comply with such directions.

The
Authority
to comply
with direc-
tions of the
Minister.

PART III

STAFF OF THE AUTHORITY

12. (1) The Director-General of the Authority shall be the chief executive officer of the Authority.

Director-
General
of the
Authority.

(2) The Director-General shall, subject to the general direction and control of the Authority, be charged with the direction of the business of the Authority, the organization and execution of the powers, functions and duties of the Authority and the administration and control of the employees of the Authority.

(3) If any vacancy occurs in the office of Director-General or if the Director-General by reason of leave, illness or other cause, is unable temporarily to perform the duties of his office, the Authority shall, as soon as possible, and subject to the approval of the Minister, appoint another person to act in the office of Director-General.

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Appointment
&c. of the
staff of the
Authority.

13. (1) The Authority may subject to the other provisions of this Act—

(a) appoint, dismiss and exercise disciplinary control over such as staff may be deemed necessary by the Authority to carry out the functions of the Authority;

(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 by the Authority in respect of all or any of the matters referred to in subsection (1).

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

(4) Where any officer in the public service is temporarily appointed to the staff of the Authority, 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.

(5) Where any officer in the public service is permanently appointed to the staff of the Authority, 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 him.

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

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

(8) Where any person is temporarily appointed to the staff of the Authority in pursuance of the provisions of subsection (7), such person shall be subject to the same disciplinary control as any other member of such staff.

PART IV

FINANCE

14. (1) The Authority shall have its own Fund.

Fund of the
Authority.

(2) There shall be paid to the Fund of the Authority—

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

(b) all such sums of money as may be received by the Authority in the exercise, performance and discharge of its powers, duties and functions ;

(c) all such sums of money as may be received by the Authority by way of loans, donations, gifts or grants from any source whatsoever ; and

(d) all sums accruing to the credit of the Authority.

(3) The Authority may utilize the funds of the Authority for the purpose of defraying any expenditure incurred in the management of the affairs of the Authority, the transaction of business of the Authority, the payment of remuneration to the members of the Authority and the employees of the Authority, the exercise of the powers and the performance of the duties and functions of the Authority under this Act and other written law, and for such other purposes as the Authority may authorize from time to time.

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Borrowing
powers of the
Authority.

15. The Authority may, with the consent of the Minister or in accordance with the terms of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sums as the Authority may require for meeting the obligations of the Authority in discharging its duties under this Act:

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Authority under this section shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

Financial
year and the
audit of
accounts of
the Authority.

16. (1) The financial year of the Authority shall be the calendar year.

(2) The Authority shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Authority.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Authority.

PART V

GENERAL

Delegation of
powers,
duties
and
functions.

17. (1) The Authority may by order delegate any of its powers, duties and functions under this Act to any Government department, public corporation or local authority, or to any Working Committee established by the Authority.

(2) An order made under subsection (1) may be revoked or varied at any time by the Authority.

(3) An order under subsection (1) shall not be made by the Authority—

(a) in respect of any Government department, except with the concurrence of the Minister in charge of such Government department;

(b) in respect of any public corporation, except with the concurrence of the Minister in charge of such public corporation; and

(c) in respect of any local authority, except with the concurrence of the Minister in charge of the subject of Local Government.

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

Members, officers and servants of the Authority deemed to be public servants.

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

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

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

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

(b) against any member, officer, servant or agent of the Authority 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 Authority.

(2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the Fund of the Authority and any costs paid to, or recovered by, the Authority in any such suit or prosecution shall be credited to the Fund of the Authority.

(3) Any expenses 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 Act or on the direction of the Authority shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Authority, unless such expense is recovered by him in such suit or prosecution.

21. No writ against person or property shall be issued against any member of the Authority in any action brought against the Authority.

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

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22. (1) The Authority 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.

Power of
Authority
to make
rules.

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

23. (1) Where any immovable property is required to be acquired for the purpose of the business of the Authority 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 Authority.

Acquisition of
immovable
property
under the
Land
Acquisition
Act.

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

24. (1) Where any immovable property of the State is required for the purpose of any business of the Authority, 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 Authority.

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

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

25. (1) For the purpose of enabling the Authority to exercise, perform and discharge any of its powers duties and functions under sections 9 and 10 of this Act, the Authority or any person authorized in that behalf by the Authority may by notice in writing require any person to furnish to the Authority or to the person so authorized, within such period as shall be specified in the notice, all such returns or information as shall be specified in such notice.

Returns
and
information.

(2) It shall be the duty of any person who is required to furnish any return or information by a notice under subsection (1) to comply with such requirement within the time specified in such notice, except where such person is precluded from making such return or divulging such information under the provisions of any law.

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26. Any officer or servant of the Authority who is generally or specially authorized in that behalf by the Authority may, after giving at least fourteen 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 Authority, or of making any investigation or examination, preliminary or incidental to the exercise of any power, or the discharge of any function, of the Authority.

Power to enter any land or premises.

27. (1) Every person who—

Offences 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 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 ;
- (d) being a member or officer or servant of the Authority, 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 trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

28. The Authority shall be exempt from the payment of any customs or excise duty on any goods imported or purchased out of bond by the Authority, if the Minister in consultation with the Minister in charge of the subject of Finance approves of such exemption.

Exemption from taxes and duties.

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This Act
to prevail
over other
written
law.

29. 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.

PART VI

REPEAL AND TRANSITIONAL PROVISIONS

Repeal
of Law
No. 36 of
1975.

30. The National Science Council of Sri Lanka Law, No. 36 of 1975, is hereby repealed.

Transitional
provisions.

31. On the appointed date—

(a) all officers and servants in the service of the Council shall be deemed to be officers and servants in the service of the Authority, and shall hold their offices with as nearly as may be the same status and on the 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 Council;

(b) all decisions made by the Council shall be deemed to be decisions made by the Authority;

(c) 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 Council, shall be deemed to have been incurred, executed, entered into or engaged to be done by, with or for the Authority;

(d) all suits, prosecutions, appeals or other legal proceedings, civil and criminal, instituted or which might have been instituted, by or against the Council, subject to the provisions of this Act and of any other written law shall be continued or instituted by or against the Authority;

(e) all decrees or orders made by a competent court in favour of, or against, the Council, shall be deemed to have been made in favour of, or against, the Authority;

- (f) 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 Council or is in its possession or control shall be held by or in trust, for the Authority, subject to the trusts, charges, liabilities, reservations, servitudes or other encumbrances and on the terms and conditions pertaining, attaching or applicable thereto;
- (g) all rules made by the Council shall be deemed to be rules made by the Authority;
- (h) the Fund of the Council established under section 22 of the National Science Council of Sri Lanka Law, No. 36 of 1975, shall be deemed to be the Fund of the Authority.

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

Interpre-
tation.

“Council” means the Council established under the National Science Council of Sri Lanka Law, No. 36 of 1975;

“local authority” means any Municipal Council, Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council; and

“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.

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