

Cap. 2661 *PLANTATION MANAGEMENT INSTITUTE*

CHAPTER 266

PLANTATION MANAGEMENT INSTITUTE

Act AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL INSTITUTE OF
No. 45 of 1979. PLANTATION MANAGEMENT AND FOR **MA'ITERSCONNECTED** THEREWITH OR
INCIDENTAL THERETO.

[1st May, 1981.]

Short title. 1. This Act may be cited as the National
Institute of Plantation Management Act.

PART I

CONSTITUTION, OBJECTS, POWERS AND
FUNCTIONS OF THE NATIONAL
INSTITUTE OF PLANTATION
M A N A G E M E N T

Establishment 2. (1) There shall be established an
of the National Institute which shall be called the “ National Institute of
Plantation Institute of Plantation Management ”
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.

(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.

General objects 3. (1) The general objects of the
Of the Institute. Institute shall be-

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 ;

(4 to provide regular refresher and
orientation courses in plantation
management
service ;

to employees in

*(4 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 ;*

k9 to sponsor and hold seminars,

workshops and conferences and publish journals and magazines in connexion with plantation management and development ; and (I) 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.

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-(

4 acquire in any manner and hold, take or give on lease or hire, mortgage,

Powers of the Institute.

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Institute to

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 ;

m 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

(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 exercise its

powers under carrying out of its objects, the Institute shall

the directions comply with the general policy of the of the Minister. Government in relation to plantation and lands and with any general or special direction issued by the Minister in relation to such policy.

Constitution of 6. (1) The Institute shall have a Board the Board of

Governors. of Governors (hereinafter referred to as the

“ Board “) consisting of-(

a) the Secretary to the Ministry charged with 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 charged with 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 charged with the subject of Planning ;

(iii) a representative of the Ministry charged with the subject of Agriculture ;

(iv) a representative of the Minister in charge of the subject of Industries ;

(v) a representative of the Ministry charged with the **subject** of Education ; and

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Terms of office of members of the Board.

(vi) a representative of the Ministry charged with 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 Parliament ; or

(6) 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 (6) 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.

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.

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.

(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.

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

reappointment.

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.

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.

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.

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

Power of

Minister to
remove from
office a
member of the
Board.

Resignation of
members of the
Board.

Eligibility for
reappointment
as 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.

Reimburse-ment
of
expenses of
members of the
Institute.

Meetings of the
Institute.

Board to
administer the
affairs of the
Institute.

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**Delegation of
powers and
duties of the
Board.**

**Employees of
the Institute.**

**Powers of the
Board in
regard to
appointments
to the Staff 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.

(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

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.

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 ;

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

(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).

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 charged with 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 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 subsection (3) of section 13 of the Transport Board Law 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

**Appointment
of public
officers to the
staff of the
Institute.**

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**Appointment
of officers and
servants of
public
corporations to
staff of
Institute.
Officers and
servants of the
Institute
deemed to be
public servants
within the
meaning of the
Penal Code.
Institute**

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

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.

(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.

20. All 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.

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 construed accordingly.

PART III

FINANCE

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 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.

23. The provisions of the Public Application of
Corporations (Financial Control) Act shall, ~~~~~
mutatis mutandis, apply to the financial Corporations
control and accounts of the Institute. (Financial
Control) Act.

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

PART IV

GENERAL

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.

(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 State 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, 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 for the Institute.

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

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

Power of Institute to make rules.

28. (1) No suit or prosecution shall lie against the Board for any act which in good faith is done or purported to

be done by the Board under this Act ; or

(6) 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.

(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 good 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.

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.

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

32. In this Act, unless the context Interpretation. otherwise requires,-“

appointed date ” means the 1st day of May, 1981 ;

“ 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.

• Repealed and replaced by the Companies Act, No. 17 of 1982.