

No. 7 of 1982

INTERNATIONAL WINGED BEAN (DAMBALA) INSTITUTE

Act
No. 7 of 1982. AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INTERNATIONAL WINGED BEAN (DAMBALA) INSTITUTE AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Commencement-5th February, 1982 ; Operation-12th February, 1982.1

Short title.

1. This Act may be cited as the International Winged Bean (Dambala) Institute Act, No. 7 of 1982.

Winged Bean (Dambala) as a commodity of importance to mankind ;

Establishment of the International Winged Bean (Dambala) Institute.

2. (1) There shall be established an Institute which shall be called the International Winged Bean (Dambala) Institute (hereinafter referred to as the "Institute") which shall consist of the persons who are for the time being members of the Board under section 5.

(c) to engage in all activities in connection with the storage, spread and utilization of information relating to the Winged Bean that will contribute to the formulation, growth, utilization and development of technology relating to the Winged Bean (Dambala) ;

(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.

5. The affairs of the Institute shall be administered by a Board of Directors (hereinafter referred to as the "Board") consisting of not more than fifteen members of whom-

Board of Directors of the Institute.

Principal office of the Institute.

3. The principal office of the Institute shall be at Kandy :

Provided, however, that the Board may, with the concurrence of the Minister, select any other appropriate place in Sri Lanka for the purpose.

(a) two shall be ex officio members, namely-

(i) the Secretary to the Ministry, and

(ii) the Director-General of the Institute, appointed under paragraph (a) of subsection (1) of section 15 ; and

Objects of the Institute.

4. The objects of the Institute shall be-

(a) to conduct directly or indirectly all research and related activities necessary for the development and utilization of the Winged Bean (Dambala) internationally as a source of human food as well as livestock feed of international and economic value ;

(b) the others shall be persons who-

(i) are involved in and interested in promoting the development of the Winged Bean (Dambala) and other under-utilized plants ; or

(b) to promote activities for the training of manpower dedicated to research, training or other activities that will promote the development of the

(ii) appear to have had experience and shown capacity in the sphere of administration, finance, law or any other allied sphere of activity.

The First Board of Directors of the Institute.

6. (1) The first Board of Directors (hereinafter referred to as the "First Board") shall consist of-

(u) nine members appointed by the President, in consultation with the Minister (hereinafter referred to as the "appointed members"), who in addition to the requirements set out in paragraph (6) of section 5, shall be persons who have international standing in relation to the work of any Institute the objects of which are similar to that of the Institute and who may be selected from—

- (i) Sri Lanka;
- (ii) the developing regions of the world ;
- (iii) international organizations concerned with under-utilized plants ;
- (iv) organizations providing funds for the Institute ; and
- (v) countries making a substantial financial contribution to the Institute ; and

(h) two ex officio members, namely-

- (i) the Secretary to the Ministry, and
- (ii) the Director-General of the Institute, appointed under paragraph (a) of subsection (I) of section 15.

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

(3) (i) Every appointed member shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of three years.

(ii) An 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.

(4) In the event of the vacation of office of the Chairman, Vice-Chairman or any

appointed member of the First Board, the Board may appoint another person to hold such office during the unexpired part of the term of office of the member whom he succeeds.

(5) If the Chairman, Vice-Chairman or any appointed member of the First Board is temporarily unable to discharge the duties of his office by reason of ill health or any other cause, the Board may appoint another person to act in his place as Chairman, Vice-Chairman or as such member.

(6) (a) The Chairman may at any time resign his office by letter in that behalf addressed to the President.

(b) The Vice-Chairman or any appointed member of the First Board may at any time resign his office by letter in that behalf addressed to the Chairman.

(7) Any appointed member of the First Board may be removed from office by a majority of not less than two-thirds of the votes of the members of the Board without assigning any reason therefor and such removal shall not be called in question in any court.

7. (1) The First Board may appoint any person as a Director and he shall be an additional member (hereinafter referred to as "additional member") of that Board :

Appointment of additional members.

Provided, however, that the total number of Directors shall not at any time exceed the maximum number prescribed by this Act.

(2) Every additional member shall unless he vacates office earlier by death, resignation or removal hold office for a period of three years.

(3) In the event of the vacation of office by any additional member, the First Board may appoint another person to hold such office during the unexpired part of the term of office of the member whom he succeeds.

(4) If any additional member is temporarily unable to discharge the duties of his office by reason of ill health or any other cause, the First Board may appoint another person to act in his place as such member.

(5) Any additional member may at any time resign his office by letter in that behalf addressed to the Chairman of that Board.

(6) Any additional member may be removed from office by a majority of two-thirds of the votes of the members of the First Board without assigning any reason therefor, and such removal shall not be called in question in any court.

Appointment of subsequent Boards..

8. (1) Every subsequent Board shall consist of not more than fifteen members who shall be appointed by a majority of not less than two-thirds of the votes of the members of the previous Board whom they succeed.

(2) The provisions of section 6 relating to the First Board shall, *mutatis mutandis*, apply to and relation to every subsequent Board appointed under this Act.

Eligibility for reappointment as member of the Board.

9. Any member of the Board who vacates office, other than a member who is removed from office under this Act, shall be eligible for reappointment.

Remuneration of members of the Board.

10. The members of the Board shall be remunerated in such manner and at such rates as may be determined by the Board.

The seal of the Institute

11. The seal of the Institute-

(u) shall be in the custody of the Chairman of the Board ;

(b) may be altered in such manner as may be determined by the Board ; and

(c) shall not be affixed to any document except with the sanction of the Board and in the presence of two members of the Board who shall sign the document in token of their presence.

(2) The Chairman, Executive Committee, or Director-General to whom any of the powers, duties or functions of the Board has been delegated under subsection (1) shall exercise, perform or discharge the powers, duties or functions so delegated subject to the general directions of the Board.

14. The Institute shall exercise, perform or discharge such powers, duties or functions as may reasonably be necessary to achieve its objects and in particular may-

Powers, duties and functions of the Institute.

(a) receive grants, gifts, and donations in cash or kind whether from local or foreign sources ;

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

(c) give grants, endowments or scholarships for the furtherance of the objects of the Institute ;

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

(e) open, operate and close bank accounts and borrow or raise money, with or without security ;

(f) enter into and perform or carry out, whether directly or through an officer or agent authorized in that behalf by the Institute, all such contracts or agreements as may be necessary for, or conducive or incidental to, the exercise of the powers, performance of the duties and discharge of the functions of the Institute ;

Meetings of the Board.

12. Rules may be made under this Act in respect of the meetings of the Board, the quorum therefor and the procedure to be followed at such meetings.

Delegation of powers, duties and functions of Board.

13. (1) The Board may delegate to the Chairman, the Executive Committee or Director-General, any of its powers, duties or functions.

(g) conduct, assist, co-ordinate and encourage research in all aspects of training, education, extension and the overall development programmes pertaining to the Winged Bean (Dambala) primarily and other under-utilized plants as may be appropriate, thereafter ;

- (h) import plant, machinery and equipment required for the purposes of the Institute and receive equipment, funds, personnel and any other assistance for the efficient working of the Institute ;
- (i) levy fees or charges for any services rendered by the Institute.;
- (j) erect or cause to be erected any building or structure on any land belonging to or held by the Institute ;
- (k) allow the export and import of breeding material from and to Sri Lanka ; and
- (l) do all such other acts and things as are incidental or conducive to the achievement of the objects of the Institute.

Appointment of the Director-General, Deputy Director-General and other officers of the Institute.

15. (1) The Board shall appoint—

- (a) the Director-General of the Institute, and
- (h) the Deputy Director-General of the Institute. who shall not be a member of the Board but be a person qualified in relation to the work of the Institute.

(2) The Director-General shall-

- (u) be responsible for the management and administration of the Institute in accordance with the policies and decisions of the Board ;
- (h) exercise, perform and discharge such powers, duties and functions as may be delegated to him ; and
- (c) appoint to the staff of the Institute such officers and servants as may be necessary for the purposes of the Institute.

(3) The Deputy Director-General shall assist the Director-General in the exercise, performance and discharge of his powers, duties and functions under this Act.

(4) The conditions of employment including the remuneration of the Director-General and the Deputy Director-General shall be determined by the Board.

16. 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 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 thereto.

Powers of the Board in regard to appointments to the staff of the Institute.

17. No act or proceeding of the Board 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 Board deemed not to be invalid by reason of any vacancy or defect in the appointment of a member

18. Subject to the other provisions of this Act, the Board shall exercise, perform and discharge the following powers, duties and functions :-

Powers, duties and functions of Board.

- (u) to act as the policy-making body of the Institute and lay down or approve in principle its major programmes ;
- (b) to approve the budget and review the financial condition of the Institute ;
- (c) to raise funds for the administration of the Institute and to receive financial aid from local as well as foreign organizations and agencies for the operation of the Institute ;
- (d) to review and evaluate such progress reports of the Institute as may be submitted by the Director-General ;

(e) to delegate any of its powers, duties and functions to the Director-General or any of the Committees ; and

(f) to take all such measures as may be necessary for the achievement of the objects of the Institute.

Power of Board to make rules.

19. The Board may make rules in respect of all or any of the matters for which rules are authorized or required to be made under this Act.

Power of Board to appoint Committees.

20. (1) The Board may appoint an Executive Committee, a Technical Advisory Committee and such other Committees, as it may deem necessary for the purpose of assisting and advising the Board in the exercise, performance and discharge of its powers, duties and functions as well as assisting the Board in any or all of the matters which the Board considers necessary for the purpose of giving effect to the principles and provisions of this Act.

(2) The Technical Advisory Committee shall in general assist the Board to formulate its policy and assist the Director-General to implement and execute the policies and decisions of the Board.

(3) The Director-General of the Institute shall be the ex officio Chairman of the Technical Advisory Committee and a member of the Executive Committee.

(4) The term of office and specific powers, duties and functions of every Committee established under this section shall be determined by the Board.

(5) The Board may make rules in respect of the procedure to be followed at the meetings of the Committees, including the quorum for such meetings.

Fund of the Institute.

21. (1) The Institute shall have and maintain its own fund.

(2) There shall be paid into the Fund of the Institute-

(u) all such sums of money as may be provided by such organizations as are concerned with the establishment of the Institute ;

(b) all such sums of money as may be received by the Institute in the exercise, performance and discharge

of its powers, duties and functions ; and

(c) all such sums of money as may be received by the Institute by way of income, loans, donations, gifts or grants from any source whatsoever whether in or outside Sri Lanka.

(3) There shall be paid out of the Fund of the Institute all such sums of money required to defray any expenditure incurred by the Institute in the exercise, performance and discharge of its powers, duties and functions.

22. The mode and manner of Withdrawal and investment of moneys of the Fund shall be made by the Board in accordance with such rules as may be made, from time to time, for that purpose and no sum shall be withdrawn except in accordance with such rules.

23. (1) The Institute shall be exempt Institute to be exempt from the payment of—

(a) any stamp duty on any instrument executed by or on behalf of or in favour of the Institute where but for such exemption the Institute would be liable to pay the duty chargeable in respect of such instrument ;

(b) customs duty on any goods, vehicles, plant and machinery imported by the Institute if the import of such goods, vehicles, plant or machinery is considered by the Minister and the Minister in charge of the subject of Finance, to be conducive to the advancement of the objects of the Institute ;

(c) any wealth tax payable under the Inland Revenue Act (No. 28 of [Cap. 349.] 1579) ; and

(d) any rates and taxes under the Development Councils Act, the [Cap. 5.] Municipal Councils Ordinance or [Cap. 576.1] the Urban Councils Ordinance. [Cap. 577.1]

(2) Any employee of the Institute who is not a citizen of Sri Lanka shall be exempt from-

(u) the payment of customs duty on any goods or vehicles imported by him for his personal use ; and

- [Cap. 349.1
- (h) income tax or wealth tax payable under the Inland Revenue Act (No. 28 of 1979).
- Financial year of the Institute and audit of accounts.
24. (1) The financial year of the Institute shall be the calendar year.
- (2) The Board shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Institute.
- (3) The accounts of the Institute shall be audited by qualified auditors appointed by the Board.
- (4) The Board shall determine the remuneration of the auditors of the Institute.
- Government to make available premises for use of the Institute.
25. The Government may provide for the use of the Institute such land, buildings and other facilities as may be deemed necessary.
- Protection for action taken under this Act or on the direction of the Board.
26. (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
- (6) against any member, officer, servant or agent of the Institute 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 the Board in any suit or prosecution brought by or against the Board before any court shall be paid out of the Fund of the Institute and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the Fund.
- (3) Any expense incurred by any person as is referred to in paragraph (b) of subsection (1) in any such 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 Board shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Institute, unless such expense is recovered by him in such suit or prosecution.
27. No writ against person or property shall lie against any member of the Board or any officer, servant or agent of the Institute in any action brought against the Institute. **No writ to lie against person or property of members of the Board or an officer of the Institute.**
28. (1) Where the Board is of opinion that the Institute shall be dissolved, it may, by resolution passed by two-thirds of its members, decide to dissolve the Institute. **Dissolution of the Institute.**
- (2) The Minister may, on any such decision made by the Board, dissolve the Institute by Order published in the Gazette and appoint one or more persons to be the liquidator or liquidators of the Institute.
- (3) The provisions of sections 17 and 18 of the Public Corporations (Financial Control) Act shall, thereupon, *mutatis mutandis*, apply to the liquidation of the Institute. **[Cap. 182.]**