

International Irrigation Management Institute
Act, No. 6 of 1985

[Certified on 9th January, 1985]

L.D.—O. 19/84.

AN ACT TO ESTABLISH THE INTERNATIONAL IRRIGATION
MANAGEMENT INSTITUTE AND FOR MATTERS CONNECTED
THEREWITH OR INCIDENTAL THERETO.

WHEREAS the Government of Sri Lanka and the Ford Foundation acting on behalf of the International Irrigation Management Institute Support Group entered into an agreement for the establishment of the International Irrigation Management Institute :

Preamble

AND whereas it is necessary and expedient to make legislative provisions to enable such Institute to effectively operate within Sri Lanka in accordance with the Charter of the Institute which has been ratified by the Government of Sri Lanka :

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

1. This Act may be cited as the International Irrigation Management Institute Act, No. 6 of 1985, and shall come into operation on such date as may be appointed by the Minister in charge of the subject of Lands and Land Development by Order published in the *Gazette*.

Shorttitle
and date of
operation.

PART I

ESTABLISHMENT OF THE INTERNATIONAL IRRIGATION
MANAGEMENT INSTITUTE

2. There shall be established in accordance with the provisions of this Act an Institute which shall be called the " International Irrigation Management Institute " (hereinafter referred to as the " Institute ") which shall operate as an autonomous organization, International in character,

Establishment of the
International
Irrigation
Management
Institute.

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

Institute to
be a body
corporate.

4. (1) The headquarters and the principal office of the Institute shall be at Digane in Sri Lanka or at such other place in Sri Lanka as may be mutually agreed upon by the Government and the Institute.

Headquarters
principal
office, agen-
cies, offices
&c. of the
Institute.

(2) The Institute may, with the concurrence of the Government established such other offices, agencies and field operation stations at such places in Sri Lanka, as it may from time to time consider necessary.

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(3) The Institute may establish branch offices, agencies, co-operative centres and **field** operation stations in such **other** countries as it may from time to time determine, having regard to the extent to which such **offices**, agencies, centres or stations would contribute to the attainment of the objects of the Institute.

**Objects
of the
Institute.**

5. The objects for which the Institute is established shall primarily be directed towards the improvement of the management and performance of irrigation systems and in particular to develop methods, devices, procedures, practices and operational approaches to-

- (a) optimize the effectiveness of water use for **agricultural** production ;
- (b) ensure dependability **and** equity in the distribution of the benefits of irrigation ;
- (c) evaluate and improve the management and performance of irrigation systems ;
- (d) protect, maintain and improve the quality of irrigation soil and the environment in areas **affected** by irrigation systems, as well as the health, and the general welfare and quality of life in rural agricultural communities ; and
- (e) improve the reliability of water supply, thus reducing the risks to investments in yield-increasing inputs, and to share and disseminate information thereon among potential user groups, organizations and other bodies and persons concerned with irrigation.

**Duties and
functions
of the
Institute.**

6. The Institute shall perform and discharge all or any of the following duties and functions as may reasonably be considered necessary to carry out its objects : —

- (a) the study and evaluation of irrigation systems and all phases of their operation and management including design, **construction**, operation, regulation of water flow and distribution, water pricing and policies, and affects on the soil, the **environment**, and the health and general welfare of the people concerned;
- (b) the development of improved methods of study, analysis and evaluation of the management and performance of irrigation systems, including their efficiency, dependability and equity of distribution ;

- (c) the diagnosis and correction of the deficiencies in irrigation system and in the effectiveness of **water** use, including the relieving of constraints to the optimization of water use and the provision of incentives for improved management and operation ;
- (d) devising interventions in irrigation systems for the purpose of remedying deficiencies therein or of relieving constraints to the optimization of water use, and the monitoring and evaluation of the effects of such intervention ;
- (e) the study, analysis and evaluation of the effects of such intervention on the soil, the environment and the health and general welfare of the people concerned ;
- (f) the collection, analysis, publication and dissemination of the results of such studies and activities ;
- (g) the maintenance of a data bank relating to the studies and activities of the Institute, and the establishment and operation of an information centre, library and data bank providing information regarding irrigation systems generally and all other matters relevant to the objectives and activities of the Institute ;
- (Jr) the training of persons who are or will be engaged in any aspect of the study, **evaluation**, analysis, design construction, development or operation of irrigation systems or in any research, education, information or action programme relating thereto ;
- (i) the organization and conduct of conferences, seminars, **fora**, consultations, workshops and meetings for persons engaged in work connected with or relevant to the objectives and activities of the Institute, for the planning and evaluation of the activities of the Institute and for the exchange of information relevant to the work of the Institute ;
- (j) the strengthening, modification or improvement of institutional or other arrangements for the optimum **utilisation** and application of the work of the Institute by countries, organizations, co-operating **centres**, and other institutions and bodies, and the provision of information and advice by the Institute to countries, organizations, co-operating **centres**, and other institutions and bodies ; and

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- (k) such other activities as the Institute may **consider necessary** or useful for or conducive to the attainment of its objectives.

**Powers
of the
Institute.**

7. The **Institute** shall have all such powers as may be **necessary** for the attainment of its objectives, and in particular **may—**

- (a) acquire, obtain, or receive from any government, **international** organization, or any agency, **instrumentality** or political sub-division thereof, or from any person, body of persons, corporation or other legal entity (whether by way of grant, gift, purchase, exchange, lease, devise, bequest or otherwise, and whether absolutely or in trust) such charters, franchises, **licences**, privileges, concessions, assistance, funds, and such property, immovable or movable or rights therein, and such other rights and assets as may be necessary or useful for or conducive to the attainment of the objectives of the Institute ;
- (b) acquire, hold, own, use, operate, lease or otherwise dispose of both immovable and movable property, funds, rights and assets of the Institute ;
- (c) invest the funds of the Institute, operate bank accounts, borrow money, obtain credit, issue **evidences** of indebtedness, and mortgage, pledge or grant rights in any property, rights or assets of the Institute as security for the debts and obligations of the Institute ;
- (d) construct, purchase, install and obtain all such **buildings**, structures, plant, **machinery**, equipment and facilities as may be necessary or useful for or conducive to the attainment of the objectives of the Institute ;
- (e) appoint, employ, remunerate, dismiss and exercise disciplinary control over such officers, consultants, servants and agents as may be necessary or **useful** for or conducive to the attainment of the objectives of **the** Institute ;
- (f) enter into, perform and carry **out, either** directly or through an **officer or** agent authorized in that behalf **by** the Institute, all such contracts **and** agreements **as may** be necessary or useful for or conducive to the attainment of the objectives of the Institute ;

- (g) provide funds supplies and services in support of the activities and programmes of the institutions, agencies and centre co-operating with the Institute ;
- (h) establish and develop relationships and arrangements for collaboration and co-operation with organisations, institutions and agencies both in 'host countries and elsewhere, for purposes necessary or useful for or conducive to the attainment of the objectives of the Institute ;*and
- (i) do and perform all such other acts and things as are useful for or incidental or conducive to the attainment of the objectives of the Institute.

PART II

ORGANIZATION AND MANAGEMENT OF THE INSTITUTE

8. The Institute shall have a Board of Governors (hereinafter referred to as " the Board ") consisting of not less than twelve and not more than twenty members of whom-

The Board of Governors of the Institute.

- (a) at least one shall be appointed by the Government of Sri Lanka who shall be a person having professional qualifications, experience or interest in irrigation engineering, irrigation agriculture and management science ; and
- (b) one shall be the person for the time being holding office as the Director-General of the Institute who shall be an ex officio member.

9. The First Board of Governors (hereinafter referred to as the " the First -Board ") shall consist of—

The First Board of Governors of the Institute.

- (a) one member appointed by the Government of Sri Lanka ;
- (b) the Director-General of the Institute appointed under section 22, who shall be ex officio member ; and
- (c) such other members as may be appointed by the International Irrigation Management Institute Support Group, of whom-
 - (i) one third shall be appointed to hold office for a period of two years ;
 - (ii) one third shall be appointed to hold office for a period of three years ; and
 - (iii) one third shall be appointed to hold office for a period of four years.

**Appointment
of members
by the
Board.**

10. Upon the expiration of the terms of office of any member appointed by the International Irrigation Management Institute Support Group, the Board may, subject to section 12 re-appoint such member or may appoint another person as a member of the Board.

**Appointment
of additional
members.**

11. The Board may at any time, subject to section 12 appoint any person to be an additional member of the Board: .

Provided, that the total number of the **mmembers** shall not at any time exceed the maximum number specified under section 8.

**Number of
members.**

12. The Board shall, in appointing members of the Board under sections 10 and 11 ensure that-

- (i) not less than two and not more than three members are appointed from among persons nominated by host countries ;
- (ii) four members among persons nominated or approved by two thirds of the members of the International Irrigation Management Institute Support Group ; and
- (iii) not less than five members appointed from among persons having professional **qualifications**, experience or interest in irrigation engineering and operation, irrigated agriculture, management and Social Science and other relevant fields.

**Resignation
of members
appointed by
the Board.**

13. Any member appointed by the Board may at any time resign his **office** by letter addressed to the Board.

**Term of
office of
member.**

14. (1) Every member appointed by the Board unless he vacates office by death or resignation shall hold **office** for a term of three years, and shall be eligible for **re-appoint-**ment. In the event of the number of members of the Board being increased or decreased at any time, the Board shall make an appropriate change in the term of office of any new member in order to ensure, as far as practicable, that one third of the members appointed by the Board will retire annually.

(2) The member appointed by the Government of Sri Lanka shall hold office for such period as may be determined by the Government of Sri **Lanka**, and may be **re-appointed** or removed at any time by the Government of Sri Lanka.

(3) The Director-General shall hold office as a member of the Board only so long as he holds the post of Director General.

15. (1) The Government of Sri Lanka may at any time appoint an alternate member in respect of the member appointed by the Government of Sri Lanka.

Alternate member.

(2) The Board may at any time appoint an alternate member in respect of any member appointed by the Board.

(3) An alternate member may be present, participate and vote at meetings of the Board only in the absence of the principal member.

16. In the event of the vacation of office by a member appointed by the Board, by reason of death or resignation, the Board shall appoint another person to hold office for the unexpired period of the term of office of such member. Pending such appointment, the alternate member, if any of such member, shall function as a member of the Board.

Death or resignation of a member appointed by the Board

17. (1) The Board shall from time to time elect one of its members, other than the Director-General, to be its Chairman, for such period as it may determine.

Chairman of the Board.

(2) The Chairman, or if he is not present another member elected by the Board, shall preside at every meeting of the Board.

(3) The Chairman, or such other member shall not be entitled to vote, except in the case of an equality of votes.

18. (1) The Board shall meet at least once in every calendar year.

Meetings of the Board.

(2) The meetings of the Board shall be held, at the headquarters of the Institute, unless the Board shall otherwise expressly determine.

(3) Subject to the provisions of this Act all decisions of the Board, whether at a meeting or under the procedure, determined by rules made by the Board shall be by a simple majority.

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

19. The Board shall have power to act notwithstanding any vacancy in its membership and any act **or** proceeding of the Board shall not be, or deemed to be, invalid by reason only of any such vacancy or any defect in the appointment of a **member.**

Powers, duties and functions of the **Institute** to be vested in the Board.

20. **All the powers, duties and functions of the Institute** shall be **vested in the Board.**

Delegation of **powers, duties and functions** by the Board.

21. The Board may **delegate** to the Chairman, the **Director-General** or the **committees** referred to in **section 24** such of its **powers, duties and functions as it may deem** necessary, and subject to such terms and conditions as it shall specify, other than the powers, duties and functions specified in sections 10 and 22. Notwithstanding any such delegation, the Board may itself exercise, perform and discharge any such power, duty or function, and may at any time revoke any such delegation.

Powers, **duties and functions** of the Board.

22. In addition to the powers, duties and functions vested in the Board under section 20 of this Act, the **Board** shall exercise, perform and discharge the following powers; duties and functions-

- (i) the-formulation of the **policies of** the Institute ;
- (ii) the approval of the major programmes of the Institute ;
- (iii) the review and evaluation of the progress'of the Institute ;
- (iv) the approval of the budget and the review of the financial condition of the Institute ;
- (v) the appointment; remuneration, dismissal and disciplinary control of the Director-General and the senior staff and consultants of the Institute ;
- (vi) the , approval and review of personnel and **staffing** policies, including the terms and conditions of service of employees, of the Institute ;

- (vii) the raising of funds for the administration and operations of the Institute ;
- (viii) the formulation of administrative and procedural rules relating to the administration and operations of the Institute, and meetings of the Board including the quorum therefor; and
- (ix) the determination of the remuneration of the members of the Board.

23. (1) The Director-General appointed by the Board shall be the chief executive officer of the Institute and shall be responsible to the Board for the administration of the Institute, the operation of its programmes and the implementation of decisions of the Board.

**Director-
General of
the Institute.**

(2) The Director-General shall **exercise**, perform and discharge such powers, duties and functions as may be delegated to him, in accordance with the terms and conditions specified by the Board.

(3) The Director-General shall advise and make recommendations to the Board in respect of the exercise, performance and discharge of its powers, duties and functions, except in relating to himself.

(4) If the Director-General vacates his **office**, by reason of death, resignation, dismissal or otherwise or if the Director-General is unable, by reason of illness, absence, suspension from office or any other cause, to exercise, perform and discharge the powers, duties and functions of his **office**, the Board shall appoint an acting **Director-General** to exercise, perform and discharge the powers, duties and functions of his office, pending the appointment of a new Director-General, or the resumption of **office** by the Director-General, as the case may be. Pending the appointment of an acting Director-General, the person, if any, holding the post of Deputy Director-General, shall act in the office of Director-General.

24. The Board may appoint such other standing committees or **ad hoc** committees as it may deem necessary for **the** exercise, performance and discharge of the powers, duties and **functions**. Such Committees may include **persons** who are not members of the Board.

**Power of
Board to
appoint
standing
committees
or ad hoc
committees.**

**Seal of the
Institute.**

25. The seal of the Institute—

- (a) shall be in the custody of the Chairman of the Board ;
- (b) shall be of such design as shall be approved **by the** Board and 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 or in accordance with such rules as may be determined by the Board.

**Non inter-
ference in
political
activities.**

26. (1) The Institute, the Board and **officers** and **staff** of the Institute shall not interfere in the political &airs of the host or any country by attempting to influence legislation, participating in any political campaign on behalf of any candidate or in any other form of political activity and shall exercise, perform and discharge their powers, duties and functions impartially, Without being **influenced** in any way by the political character **of** the host country or countries concerned.

(2) The officers and staff of the Institute, in the exercise, performance, and discharge of their powers, duties and functions, shall be responsible solely to the Institute.

PART III

FINANCE

**Fund
of the
Institute.**

27. (1) The Institute shall have and maintain its own Fund.

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

- (i) all such sums of money as may be provided by the International Irrigation Management Institute Support Group or the members thereof ;
- (ii) 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
- (iii) all such sums of money as may be received by the **Institute** by way of income, loans, grants, gifts or from the sale of any of its rights and assets.

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(3) There shall be paid out of the Fund of the Institute, in accordance with such rules as may be made from time to time by the Board, all such sums of money as are required to defray any expenses incurred by the Institute in the exercise, performance, and discharge of its powers, duties and **functions**.

(4) The funds of the Institute may be held in such **currencies** and in such countries, as the Board may from time to time determine.

29. The **financial** year of the Institute shall be the calendar year.

Financial
year.

29. (1) 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.

Audit of
accounts.

(2) The accounts of the Institute shall be audited by an independent **certified** or chartered public accountant appointed by the Board.

(3) The Board shall determine the remuneration of such auditors.

30. (1) The Institute shall publish an annual report containing an audited statement of its accounts.

Publications
&c.

(2) The Institute may also publish such other reports relating to its activities and programmes as it may consider desirable.

31. The Institute shall present to the members of the International Irrigation Management Institute Support **Group** every year, for their consideration, a budget for **the following** year.

Budget of
the
Institute.

32. The Government may provide for the use of the Institute such land, - buildings and other facilities as may be deemed necessary.

Government
to make
available
premises for
use of the
Institute.

33. The Government shall take all such steps as are necessary to ensure that

(a) the Institute ;

Rights,
privileges,
immunities
and exemp-
tion of the
Institute.

(b) the Director-General, consultants and officers and servants of the Institute.

are accorded subject to the provisions of the Constitution all such rights, privileges and immunities as the Government has agreed to, accord to such Institute, the Director-General, consultants and officers and servants of the Institute, by the Memorandum of Agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Ford Foundation, acting on behalf of the International Irrigation Management Institute Support Group, for the establishment of an International Institute for Research and Training in Irrigation Management, signed on 1st September, 1983.

**Limitation
of liability
of members.**

34. No member of the International Irrigation Management Institute Support Group or of the Board shall be liable, by reason only of such membership, for the debts and obligations of the Institute.

**Winding up
of the
affairs of
the Institute.**

35. (1) (a) The Board of Governors may by a resolution passed by a vote of not less than three-fourths of the whole number of members, including those not present, at a meeting of which not less than eight weeks notice has been given setting out in full the text of the proposed resolution, decide to terminate the operations and activities of the Institute on the ground that the objectives of the Institute have been attained to a satisfactory degree or that the Institute is no longer able to function **effectively**.

(b) Upon such a resolution being passed-

- (i) the Institute shall forthwith cease all **its** activities and operations, except as necessary for or incidental to the orderly winding up of its affairs, the preservation and realisation of assets and the settlement of its obligations, and
- (ii) the lands and buildings provided by the Government of Sri Lanka (or any **other** host country) as well as any permanent capital improvements thereto and all rights and interests thereto and therein shall **revert** to the Government of Sri Lanka, (or such other host country) subject to the occupation and use by the **Institute** for the period necessary for the orderly winding up of its affairs.

(c) Upon the completion of the winding up of the **affairs** of the **Institute**, all the assets of the Institute (other than **those** referred to in sub-paragraph (ii) of **the preceding paragraph**) or the proceeds of sale thereof, **shall** by a **resolution of the Board of Governors be disposed of exclusively to or for the benefit of an organization or organizations organized and** operated exclusively for charitable purposes.

(2) Whether upon the winding up of the affairs **of the** Institute or otherwise, no part of the assets, income, **profits**, or net earnings of the Institute shall ensure to the benefit of any officer, employee, agent or **trustee** of the Institute, **members** of the Board or any other person, except as reasonable compensation or remuneration paid for services rendered to the Institute in relation **to** its objectives or activities.

36. In this Act, unless the context otherwise requires-
“charitable purposes ” means purposes beneficial to mankind, connected with the advancement of education or knowledge, or the **relief of poverty** ;

Interpre-
tation.

“host country ” means Sri Lanka and, any *other* country in which the Institute has established its **head-**quarters and principal office, a branch or a co-operating centre ; and

“International Irrigation Management **Institute** Support Group ” means the International Irrigation Management Institute Support Group established by aid of the countries and organizations specified in the Schedule hereto, which met in Paris on 24th May to 27th May, 1963.

SCHEDULE

(Section 36)

Initial Membership (Provisional)

INTERNATIONAL IRRIGATION MANAGEMENT INSTITUTE SUPPORT GROUP

1. Contributors in funds or in kind-multilaterally, bilaterally ~~or~~ nationally.

Aga Khan Foundation
Asian Development Bank
Australia
France
Ford Foundation
IFAD

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Netherlands

Rockefeller Brothers Fund

Rockefeller Foundation

United Kingdom

UNDP

USA

World Bank

IDRC.

2. Contributors as participating nations, either headquarters or **participating units.**

India:

Pakistan

Philippines

Sri Lanka.

3. Observers

FAO.

Funds Custodian

The World Bank.

Implementing Agency

The Ford Foundation.