

National Human Resources Development Council of Sri Lanka
Act No 18 of 1997

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
NATIONAL HUMAN RESOURCES DEVELOPMENT COUNCIL OF
SRI LANKA, FOR THE PURPOSE OF INITIATING, PROMOTING,
AND PARTICIPATING IN THE IMPLEMENTATION OF, POLICIES
RELATING TO HUMAN RESOURCES DEVELOPMENT ; AND FOR
MATTERS CONNECTED THEREWITH OR INCIDENTAL THERE
TO

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

[12th August , 1997]

Short title 1. This Act may be cited as the National Human Resources Development Council of Sri Lanka Act, No. 18 of 1997.

PART I

THE NATIONAL HUMAN RESOURCES DEVELOPMENT COUNCIL OF SRI LANKA

Establishment of the National Human Resources Development

2. (1) There shall be established a Council which shall be called the National Human Resources Development Council of Sri Lanka (hereinafter referred to as the "Council")-

(2) The Council shall, by the name assigned to it by Council of Sri subsection (1), be a body corporate with perpetual succession Lanka. and a common seal and may sue and be sued in that name.

Constitution of the Council.

(1) The Council shall consist of the following members:-

(a) the Secretary to the Ministry of the Minister in charge of the subject of Education and Higher Education ;

(b) the Secretary to the Ministry of the Minister in charge of the subject of Finance;

(c) the Secretary to the Ministry of the Minister in charge of the subject of Health ;

(d) the Secretary to the Ministry of the Minister in charge of the subject of Science, and Technology ;

(e) the Secretary to the Ministry of the Minister in charge of the subject of Labour ;

(f) the Secretary to the Ministry of the Minister in charge of the subject of Public Administration ;

(g) the Chairman of the National Education Commission ;

(h) the Secretary to the Ministry of the Minister in

charge of the subject of Youth Affairs ;

(i) the Secretary to the Ministry of the Minister in charge of the subject of Industrial Development;

(j) the Secretary to the Ministry of the Minister in charge of the subject of Agriculture ;

(k) the Secretary to the Ministry of the Minister in charge of the subject of Plan Implementation ;

(l) the Chairman of the Tertiary and Vocational Education Commission established by the Tertiary and Vocational Education Act, No. 20 of 1990 ;

(m) the Chairman of the National Apprentice and Industrial Training Authority established by the Act, No. 20 of 1990;

(n) the Chairman of the University Grants Commission established by the Universities Act No. 16 of 1978 ;

(o) the Director-General of Tertiary Education and Vocational Education appointed under the Act No. 20 of 1990; and

(p) five other members appointed by the Minister from among persons who have had experience or have qualifications, or shown capacity, in the fields of education, health, employment, development or research, and at least two of whom shall be persons employed in the private sector. (A member appointed under this paragraph is hereinafter referred to as "an appointed member").

(2) A person shall be disqualified from being appointed or from continuing as a member of the Council if he is or becomes a Member of Parliament, a Member of a Provincial Council or a Member of any local authority.

Power of the Minister to remove from office an appointed member of the Council.

4.The Minister may remove an appointed member of the Council without assigning any reason therefor, and the removal of the member of the Council shall not be called in question in any court.

Resignation of appointed members &c. **5.**

(1) An appointed member of the Council 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.

(2) Where an appointed member of the Council dies, resigns or is removed from office, the Minister may, having regard to the provisions of section 3, appoint another person in place of such member, and the person so appointed shall, unless he earlier dies, resigns or is removed from office, hold office for the unexpired period of the term of office of the member whom he succeeds.

Temporary appointments of members of the Council

6.Where an appointed member of the Council 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 a member to inform the Minister in writing of such inability. The Minister may, having regard to the provisions of section 3, appoint another person to act in his place.

Term of office of ex-officio members &c. **7**

(1) A member of the Council referred to in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o) of subsection (1) of section 3 shall hold office so long as he holds the office by virtue of which he is a member of the Council.

(2) Subject to the provisions of sections 4 and 5, the term of office of an appointed member of the Council shall be four years.

(3) An appointed member of the Council, who vacates office by effluxion of time, shall be eligible for reappointment,

Remuneration of the members of the Council.

8.The Minister shall, with the concurrence of the Minister in charge of the subject of Finance, determine the remuneration payable to the members of the Council.

Chairman of the Council. **9**

(1) The Minister shall appoint a Chairman of the Council (hereinafter referred to as "the Chairman") from amongst the appointed members of the Council.

(2)The Chairman may resign from the office of Chairman by letter addressed to the Minister and such resignation shall take effect upon its acceptance by the Minister.

(3) The Minister may, without assigning reason therefor , remove the Chairman from office and such removal shall not be questioned in court.

(4) Subject to the provisions of subsections (2) and (3) of this section, the term of office of the Chairman shall be his period of membership of the Council.

(5) Where the Chairman, by reason of illness or other infirmity or absence from Sri Lanka, is temporarily unable to perform the duties of his office the Minister may, having due regard to the provisions of subsection (1), appoint another appointed member of the Council to act in his place.

Meetings of the Council. **10**

(1) The Chairman shall preside at every meeting of the Council. In the absence of the Chairman from any meeting of the Council, the members present at such meeting shall elect from among themselves a Chairman for that meeting.

(2) The Minister shall appoint a Secretary of the Council, who shall be responsible for the maintenance of all records and of the proceedings of the Council.

(3)The quorum for any meeting of the Council, shall be one-third of

the total number of members of the Council.

(4) Any question arising for decision at any meeting of the Council shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes, the Chairman or the member presiding at such meeting shall, in addition to his vote, have a casting vote.

(5) Subject to the preceding provision of this section, the Council may regulate the procedure to be followed in regard to its meetings, and the transaction of business at such meetings.

(6) No act or decision or proceeding of the Council shall be deemed to be invalid by reason only of the existence of a vacancy among its members or any defect in the appointment of a member thereof.

Seal of the **11.**
Council.

(1) The seal of the Council shall be in the custody of the Council .

(2) The seal of the Council may be altered in such manner as may be determined by the Council.

(3) The seal of the Council shall not be affixed to any instrument except in the presence of two members of the Council and the Secretary all of whom shall sign the instrument or document in token of their presence

Directions. **12.**

(1) The Minister may from time to time issue to the Council such special or general directions as he may deem necessary as to the discharge of its functions, and the exercise of its powers, by the Council.

(2) The Minister may from time to time direct the Council to furnish such information as he may deem necessary relating to its functions.

Development Policy **13.** Provincial Councils and the Local Government Authorities may, in formulating their policies and strategies on Human Resources Development, in consultation with the Council.

PART II

DUTIES, FUNCTIONS AND POWERS OF THE COUNCIL

Duties and Functions of the Council **14.**

(1) The duties and functions of the Council shall be -

(i) to advise the Minister on national human resources policy in all its aspects, including the rationalization and co-ordination of sectoral human resources development concerning, or related to-

(a) employment, training and education ;

(b) the application of Science and Technology ;

(c) the enhancement of the quality of life ;

(d) the designing of social protection for disadvantaged groups of persons ; and

(e) maintaining entitlements with economic

reforms ;

(ii) to make recommendations to the Minister, on plans and programmes on human resources development, in accordance with the national policy, for submission to the Government;

(iii) to review and examine, periodically, the national human resources development policy, plans and programmes in operation and where necessary, to recommend to the Minister, changes in such policy, plans and programmes ;

(iv) to monitor the implementation of human resources development plans and programmes approved by the Government; and

(v) to implement any project related to any subject referred to in the Schedule to this Act, provided that, where such project relates to a subject which has been assigned to any other Minister, implementation shall be with the concurrence of that other Minister; and

(vi) to do all such other acts which in the opinion of the Council are necessary for, or conducive or incidental to , human resources development in accordance with the national objectives.

(2) The Council shall, in the discharge of its functions under this section have special regard to the subjects referred to in the Schedule to this Act, and it shall work in consultation with the relevant department or institution of the Ministry to which such subject has been assigned.

Powers of Ministers not to be affected.

15. Nothing in this Act shall affect, or be deemed to affect or prejudice, the powers exercisable by the Minister in charge of any subject or function relating to human resources development or by a public officer, under any written law on any matter referred to in section 14.

Powers of the Council,

16.

(1) The Council shall have the power to do all such acts as may be necessary for the discharge of all or any of its functions.

(2) Without prejudice to the generality of the powers conferred on the Council by subsection (1), the Council shall have the power-

(a) to carry out such surveys, investigations studies and research as may be necessary for the discharge of the functions of the Council ;

(b) to conduct public or private hearings with a view to ascertaining the opinion of experts, professionals or the general public, on matters relating to human resources development;

(c) to establish and maintain liaison with international agencies and other organizations outside Sri Lanka discharging functions similar to those discharged by the Council;

(d) to enter into and perform, all such contracts and agreements as may be necessary for the discharge of its functions under this Act:

(e) to arrange for the conduct of human resources development research by Institutions or individuals either in Sri Lanka or abroad;

(f) to establish and maintain an information data bank on human resources development and related fields in Sri Lanka and in other countries ;

(g) to open and maintain, current, savings or deposit accounts, in any bank or banks ;

(h) to accept and receive, grants and donations, both movable and immovable;

(i) to take such steps as may be necessary to advance the skills of its officers, with a view to developing a pool of expertise in all aspects of human resources development;

(j) to appoint such committees, expert groups and advisory bodies as may be necessary for the effective discharge of its functions ;

(k) to call for, and obtain such information as the Council may deem necessary including statistics and data from Ministries, Government departments, public corporations, statutory boards. Provincial Councils, local authorities and private sector establishments ; and

(l) to adopt all measures, which in the opinion of the Council are considered necessary for, conducive or incidental to, the discharge, exercise and performance, of the functions, powers and duties of the Council.

PART III

STAFF OF THE COUNCIL

Chief
Executive
officer

17.

(1) The Chairman shall be the chief executive officer of the Council.

(2) The Chairman shall be responsible for the preparation of the agenda for the meetings of the Council and the submission for the consideration of the Council, of policies and measures considered by him to be necessary for the purpose of giving effect to the principles and provisions of the Act.

(3)The Council may by resolution, delegate to the Chairman any of the powers conferred on it by this Act (other than the power conferred on it by this subsection) and in the exercise of any such power delegated to him, the Chairman shall be subject to the general direction of the Council.

(4)The Chairman shall notwithstanding that he is the chief executive officer of the Council, be deemed not to be a member of the staff of the Council.

secretary **18.**
of Council

(1) There shall be appointed a Secretary of the Council, who shall be called the Secretary of the National Human Resources Development Council of Sri Lanka (in this Act referred to as "the Secretary") and who shall also be in charge of the Council's Secretariat.

(2) The Secretary shall keep a record of the meetings of the Council and shall be entitled to speak at such meetings but shall not be entitled to vote thereat.

(3) The Secretary shall exercise such powers as are delegated to him by the Council.

(4) In the exercise of his powers under this section, the Secretary shall have the power to make such orders as may seem to him to be necessary.

(5) The Council shall have the power to amend, revise or revoke any order made by the Secretary.

Appointment of **19.**
the staff of the
council

(1) The Council may, subject to the provisions of this Act -

(a) appoint such officers and servants as it considers necessary for the exercise or discharge of the powers and functions of the Council and may exercise disciplinary control over, or dismiss such officers or servants ;

(b) fix the wages or salary or other remuneration of such officers and servants;

(c) establish and regulate a provident fund or pension scheme for the benefit of such officers and servants and make contributions to any such fund or scheme.

(2) Rules may be made under this Act in respect of all matters referred to in subsection (I),

Appointment officers **20.**
in the public service to
the staff of the
Council.

(1) At the request of the Council, 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 Council for such period as may be determined by the Council 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 Council, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, mutatis mutandis, apply to, and in relation to such officer.

(3) Where any officer in the public service is permanently appointed to the staff of the Council, the provisions of subsection (3) of section 14 of the National Transport

Commission Act, No. 37 of 1991, shall, mutatis mutandis, apply to, and in relation to such officer.

PART IV
FINANCE

Fund of the Council. **21**

- (1) The Council shall have its Fund.
- (2) There shall be paid to the Fund of the Council -
 - (a) all such sums of money as may be voted from time to time by Parliament for the use of the Council ;
 - (b) all such sums of money as may be received by the Council in the exercise, performance and discharge of its powers, duties and functions ;
 - (c) all such sums of money as may be received by way of loans, donations, gifts or grants.

Payment of the Fund. **22.** There shall be paid out of the Fund of the Council all sums of money required to defray any expenditure incurred by the Council in the exercise and discharge of its powers and functions under this Act and all such sums of money as are required or authorised to be paid out of the Fund of the Council by or under this Act.

Financial year of the Council. **23.** The Financial year of the Council shall be the calendar year.

Audit of accounts of the Council. **24.** The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to the audit of the accounts of the Council.

PART V
GENERAL

Declaration of secrecy. **25.** Every member of the Council and all officers and servants of the Council shall before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all matters connected with the working of the Council, and shall by such declaration pledge himself not to disclose any matters which may come to his knowledge in the discharge of his duties and functions, except -

- (a) when required to do so by a court of law, or
- (b) in order to comply with any of the provisions of this Act.

Returns and Information **26.**

- (1) For the purpose of enabling the Council to exercise and discharge any of its powers and functions under this Act, the Council or any person authorized in that behalf by the Council may, by notice in writing require any person to furnish to the Council or to the person authorized by the Council, within such period as may be specified in the notice, such returns or information as shall be specified in such notice or require any person to be present at any hearing to be conducted by the Council or any person authorized in that behalf by the Council, and to furnish such information as may be required, by the Council or

such person;

(2) It shall be the duty of any person who is required by a notice under subsection (!) of this section, to furnish any return or information or to be present at any hearing and to provide any information to comply with the requirements of such notice within the period specified in such notice, except where such person is prohibited from furnishing such returns or information under the provisions of any law.

(3) No information contained in a return furnished under subsection (1) of this section, in compliance with the requirements of a notice issued under this section shall be published or communicated by the Council to any other person except with the consent of the person furnishing such return or information or in the course of the exercise and discharge of the powers or functions of the Council.

offences **27.**

(1) Every person who-

(a) fails or refuses to comply with the requirements of any notice sent to him under section 26 ;

(b) knowingly makes any false or incorrect statement in any return or information furnished by him, in compliance with the requirements of a notice sent to him under section 26 ;

(c) knowingly makes any false or incorrect statement in any information furnished by him at any hearing conducted by the Council or by a person authorized by the Council; or

(d) being a member or officer or servant of the Council, discloses any information obtained by him or coming to his knowledge in, or in connection with, the exercise of his powers or discharge of his functions under this Act, to any person for any purpose other than for a purpose for which he is authorized to disclose such information by this Act,

shall be guilty of an offence under this Act.

(2) Every person guilty of an offence under this Act, shall on conviction after trial before a Magistrate, be liable to a fine not exceeding ten thousand rupees.

(3) Where an offence under this Act is committed by a body of persons, then, -

(a) if that body of persons is a body corporate, every director or officer of that body corporate, or

(b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence :

Provided, however, that a director or an officer of such body corporate or partner of such firm shall be deemed not to be guilty of such offence, if he proves that such offence was committed without his knowledge or that he used all diligence to prevent the commission of such offence.

Protection for action taken under this Act or on the direction of the Council. **28.** No suit or prosecution shall lie against any member officer or servant or the Council for any act which is in good faith done, or purported to be done, by him under this Act, or on the direction of the Council.

Regulations. **29.**

(1) The Minister may make regulations for the purpose of giving effect to the principles and provisions of this Act

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval but without prejudice to anything done there under.

(4) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded, shall be published in the Gazette.

Members, officers, servants deemed to be public servants. **30.** All members, officers and servants of the Council shall be deemed to be public servants with in the meaning of and for the purposes of the Penal Code.

shall be deemed to be public servants within the meaning of the Council

The Council deemed to be a Scheduled Institution with in the meaning of the Bribery Act. **31.** The Council 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.

Sinhala text to prevail in case of inconsistency. **32.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Interpretation **33.** In this Act, unless the context otherwise requires-

"Establishment" means any place where industry, trade, business or profession is carried on ;

"Human Resources Development" includes economic and social development activities related to-

(a) manpower utilization, employment generation, education and training for skills development;

(b) application of science and technology for production of economic goods and services ; and

(c) enhancement of the quality of life with improved nutrition, shelter, health care, and other basic needs, environmental protection and social security ;

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

" Minister " means the Minister in charge of the subject of Human Resources Development;

" National Education Commission" means the National Education Commission established by the National Education Commission Act, No. 19 of 1991 ;

" Provincial Council " means a Provincial Council established by Chapter XVIIIA of the Constitution ;

" public corporation " means any corporation, board or other body which was or is established by or under any written law with funds or capital wholly or partly provided by Government, by way of grant, loans or otherwise.