



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

**COMPUTER AND INFORMATION
TECHNOLOGY COUNCIL OF
SRI LANKA
ACT, No. 10 OF 1984**

[Certified on 29th March, 1984]

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*Computer and Information Technology Council
of Sri Lanka Act, No. 10 of 1984*

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L.D.—O. 24/83

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE COMPUTER AND INFORMATION TECHNOLOGY COUNCIL OF SRI LANKA AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH 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 Computer and Information Technology Council of Sri Lanka Act, No. 10 of 1984, and shall come into operation on such date (hereinafter referred to as the “appointed date”) as the Minister may appointed by Order published in the *Gazette*.

Short title
and date of
operation.

PART I

ESTABLISHMENT OF THE COMPUTER AND INFORMATION
TECHNOLOGY COUNCIL OF SRI LANKA

2. There shall be established a Council which shall be called the Computer and Information Technology Council of Sri Lanka (hereinafter referred to as the “Council”) and which shall consist of the persons who are for the time being members of the Council under subsection (1) of section 4.

Establish-
ment of the
Computer
and
Information
Technology
Council of
Sri Lanka.

3. The Council 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 Council
to be a body
corporate.

4. (1) The Council shall consist of not more than ten members to be appointed by the President from among persons who appear to the President to have had experience, or to have shown capacity, in matters connected with computer and information technology, economics, finance, education, engineering, science or technology.

Members
of the
Council.

(2) The President shall appoint one of the members of the Council to be the Chairman of the Council.

(3) The provisions of the Schedule to this Act shall have effect in relation to the term of office of the members of the Council, and the remuneration payable to members of the Council, meetings and the seal of the Council.

2 *Computer and Information Technology Council
of Sri Lanka Act, No. 10 of 1984*

Functions
and duties
of the
Council.

5. The functions and duties of the Council shall be—

(a) to advise the Minister on—

- (i) the formulation and implementation of a national policy on computer and information technology ;
- (ii) measures to promote, facilitate and assist, the use of and application of computer and information technology in Sri Lanka with a view to improving the quality of life of its people and enabling Sri Lanka to acquire the necessary capability to meet the challenge of technological change ;
- (iii) measures to develop and improve the infrastructural facilities necessary for the introduction of computer and information technology to Sri Lanka ;
- (iv) measures to develop education in computers and information technology in all its aspects ;
- (v) measures to advance the skill and knowledge of persons employed in the computer and information technology industry ;
- (vi) measures to establish professional standards in the computer and information technology industry with particular reference to the integrity of data in computer and information technology installations and the abuse of personal information in such installations ;
- (vii) measures to assess the manpower requirements necessary for the development of the computer and information technology industry in Sri Lanka and the training of such manpower ; and
- (viii) measures to promote the export of computer and information technology services ;

(b) to promote and conduct research on all aspects of computer and information technology ;

(c) to monitor development in computer and information technology and to adapt these developments for use in Sri Lanka ;

(d) to collect and disseminate information on computer and information technology and related subjects, and to provide education to the public on such subjects ; and

(e) to do such other things as may be necessary for the performance and discharge of the duties and functions of the Council and for the development of computer and information technology in Sri Lanka.

6. The Council shall have the power—

Powers
of the
Council.

(a) to acquire and hold, any property, movable or immovable and to sell, lease, mortgage, exchange or otherwise dispose of the same ;

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

(c) to enter into all such contracts as may be necessary for the exercise, performance or discharge of its powers, duties or functions ;

(d) to invest its funds in such securities as it may determine ;

(e) to erect, equip and maintain, libraries and laboratories for research purposes ;

(f) to establish and maintain a Secretariat ;

(g) to collect, print and publish reports, periodicals and papers on computer and information technology and related subjects ;

(h) to hold lectures, seminars and workshops on computer and information technology and related subjects ;

(i) to acquire such rights, privileges, powers, licences and authorities as may be necessary for the performance and discharge of its duties and functions ;

(j) to give grants to individuals, scientists or to any institute or authority to initiate or conduct research on specific projects related to computer and information technology ;

(k) to establish with the approval of the Minister, working committees to assist the Council in any aspect of its work, define the scope of work and authority

of such committees and to appoint, with the approval of the Minister, persons to such committees ;
and

(l) to exercise, subject to the provisions of this Act or any other law, any other power as may be necessary for the discharge of its functions and the performance of its duties.

PART II

STAFF OF THE COUNCIL

Chief
Executive
Officer.

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

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

(3) The Chairman may, with the approval of the Council, whenever he considers it necessary to do so, delegate, in writing, to any officer or servant of the Council any power, function or duty, conferred or imposed on, or assigned to him by this Act and such officer or servant shall exercise, discharge and perform such power, function or duty, subject to the general or special directions of the Chairman.

Appointment
&c. of the
staff of the
Council.

8. (1) The Council may, subject to the provisions of this Act—

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

(b) fix the rates at which such officers and servants shall be remunerated ;

(c) determine the terms and conditions of service of such officers or servants ; and

(d) establish and regulate provident funds or schemes for the benefit of such officers or servants and make contributions to any such fund or scheme.

(2) Rules may be made by the Council in respect of all or any of the matters referred to in subsection (1).

9. (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 with like consent be permanently appointed to such staff.

Appointment
of public
officers and
servants of
the Local
Government
Service
or any local
authority
of the
Council.
to the 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 13 of the Transport Board Law, No. 19 of 1978, 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 Council, 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.

(4) Where the Council 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 Council 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 Council any officer or servant of a public corporation may, with the consent of such officer or servant and the governing board of such corporation be temporarily appointed to the staff of the Council for such period as may be determined by the Council 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 Council and the governing board of such corporation.

(6) Where any person is appointed to the staff of the Council in pursuance of the provisions of subsection (5), such person shall be subject to the same disciplinary control as any other member of such staff.

(7) At the request of the Council, any officer or servant of any Higher Educational Institution may, with the consent of such officer or servant and the principal executive officer of that Higher Educational Institution, 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, on such conditions,

including those relating to pension and provident fund rights, as may be agreed upon by the Council and such principal executive officer.

(8) Where any officer or servant of any Higher Educational Institution is temporarily appointed to the staff of the Council he shall be subject to the same disciplinary control as any other member of such staff.

(9) In this section, "Higher Educational Institution" and "principal executive officer" have the respective meanings assigned to them by the Universities Act, No. 16 of 1978.

PART III

FINANCE

Fund
of the
Council.

10. (1) The Council shall have its own Fund.

(2) There shall be paid into 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 the Council by way of loans, donations, gifts and grants from any source whatsoever;

(d) all such sums of money as are recovered under section 12; and

(e) all such sums of money as are authorized or required to be paid into the Fund by any other provision of this Act.

(3) 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, performance and discharge of its powers, duties and functions under this Act, and any other expense which is authorized or required to be paid out of the Fund by any other provision of this Act.

Borrowing
Powers of
the Council.

11. The Council may, with the consent of the Minister, or in accordance with the terms and conditions of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sums as the Council

may require for meeting its obligations or performing or discharging its duties and functions under this Act:

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Council 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.

12. (1) There shall be charged, levied and recovered on every computer and related equipment imported into Sri Lanka, a cess at such rate as may be determined from time to time, by Parliament by resolution.

Cess on
computers
and related
equipment.

(2) This section shall apply as though it formed part of the Customs Ordinance and the provisions of, that Ordinance shall apply accordingly.

(3) The proceeds of the cess on computers and related equipment recovered under this section shall be paid by the Principal Collector of Customs to the credit of the Fund of the Council.

(4) The cess on computers and related equipment imposed by this section shall be in addition to any import duty on computers and related equipment imposed under any other written law.

13. (1) The financial year of the Council shall be the calendar year.

Financial
year
and the
audit of
accounts
of the
Council.

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

(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 Council.

14. (1) The Council shall be exempt from the payment of any customs or excise duty on any goods imported or, purchased by the Council and where the Minister considers the import or purchase of such goods to be conducive to the discharge and performance of the functions and duties of the Council, he shall in consultation with the Minister in charge of the subject of Finance approve such exemption.

Exemption
from taxes
and duties.

(2) The Council shall be exempt from the payment of any rates imposed under the Municipal Councils Ordinance.

PART IV

GENERAL

Directions
of the
Minister.

15. The Minister may after consultation with the Council from time to time give the Council such general or special directions, in writing as to the exercise, performance and discharge by the Council, of its powers, functions and duties in so far as they relate to matters of policy and the Council shall give effect to such directions.

Delegation
of powers,
duties and
functions.

16. (1) The Council may by an Order in writing delegate any of its duties and functions under this Act to any public corporation, District Development Council or local authority :

Provided that an Order shall not be made by the Council—

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

(b) in respect of any District Development Council except with the concurrence of the Minister in charge of the subject of District Development Councils ; and

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

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

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

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

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

18. 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.

Declaration
of secrecy.

19. 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 reveal any matter which may come to his knowledge in the discharge of his duties, except—

- (a) when required to do so by a court of law or by any person or body of persons to whom such matters relate ; and
- (b) in order to comply with any of the provisions of this Act.

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

- (a) against the Council, for any act which in good faith is done or purported to be done by the Council under this Act ; or
- (b) against any member, officer, servant or agent of the Council 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 Council.

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

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

(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 Council shall, if the court holds that such act was done in good faith, be paid out of the Fund, of the Council, 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 Council in any action brought against the Council.

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

22. (1) The Council may make rules in respect of all or any of the matters in respect of which rules are authorized or required by this Act to be made.

Powers of
Council
to make
rules.

(2) No rule made by the Council under subsection (1) shall have effect until it has been approved by the Minister, and notification or such approval is published in the Gazette.

Acquisition
of immovable
property
under the
Land
Acquisition
Act.

23. (1) Where any immovable property is required to be acquired for any specific purpose of the Council and the Minister by Order published in the *Gazette* approves of the proposed acquisition for that purpose, that property shall be deemed to be required for a public purpose and may accordingly be acquired under the Land Acquisition Act and transferred to the Council.

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

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

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

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

Returns
and
information.

25. (1) For the purpose of enabling the Council to exercise, perform and discharge any of its powers, duties and functions, under sections 5 and 6 of 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 shall be specified in the notice, all such returns and information as shall be specified in such notice.

(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 furnishing such returns or information under the provisions of any law.

(3) No information contained in a return furnished under subsection (1) in compliance with the terms 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 discharge of the functions of the Council.

26. The Council shall at the end of each financial year publish a report of its activities during the year and it shall be submitted to the Minister for approval. On being approved by the Minister such report shall be laid before Parliament.

Council to submit a report of its activities.

27. Any officer or servant of the Council who is generally or specially authorized in that behalf by the Council may, after giving at least three days' notice in writing to the owner or occupier of any land or premises on which there is any computer or information technology installation, enter upon such land or premises and carry out such tests and inspections and do such acts, as may be reasonably necessary for the purpose of carrying out any work of the Council or of making any investigation, or examination, preliminary or incidental to the exercise of any power, or the discharge of any function, of the Council.

Power to enter any land or premises.

28. (1) Every person who—

Offences and penalties.

(a) 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 25 ;

(b) fails or refuses to comply with requirements of any notice sent to him under section 25 ;

(c) resists or obstructs any person in the exercise by that person of the powers conferred on him by section 27 ; or

(d) being a member or officer or servant of the Council 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 for any purpose other than 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 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.

(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 and officer of that body corporate ;

(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 not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he used all such diligence to prevent the commission of such offence.

Interpreta-
tion.

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

“District Development Council” means any District Development Council established by the Development Councils Act, No. 35 of 1980 ;

“information technology” means any technology for the gathering, transmitting and processing of data and information.

SCHEDULE

(Section 4 (3))

PROVISIONS RELATING TO THE MEMBERS OF THE COUNCIL

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

- (a) if he is, or becomes a member of Parliament, any District Development Council or 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.

2. Every member of the Council shall, unless he vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of his appointment and unless he has been removed from office, be eligible for reappointment :

Provided that a member appointed in place of a member who had vacated office, by death, resignation or removal, shall hold office for the unexpired term of office of the member whom he succeeds.

3. The President may, by Order published in the Gazette, remove any member of the Council from office, without assigning any reason therefore. A member in respect of whom an Order is made under this paragraph shall be deemed to have vacated office on the date of publication of the Order in the Gazette

4. A member of the Council may at any time resign from his office by letter to that effect addressed to the President and such resignation shall take effect upon it being accepted by President in writing.

5. In the event of the vacation of office by death, resignation or removal by any member of the Council the President may having regard to the provisions of subsection (1) of section 4 appoint any other person to succeed such member. Any person so appointed in place of such member, shall hold office during the unexpired part of the term of office of the member whom he succeeds.

6. Where a member of the Council, by reason of illness, infirmity or absence from Sri Lanka for a period not less than three months, is temporarily unable to perform his duties it shall be the duty of such member to inform the President in writing of such inability. Thereupon, the President may having regard to the provisions of subsection (1) of section 4 appoint some other person to act in his place during such period.

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

8. (1) The Chairman of the Council shall, if present preside at every meeting of the Council. In the absence of the Chairman from any such meeting, the members present shall elect one of the members present, to preside at such meeting.

(2) The quorum for any meeting of the Council shall be five members.

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

(4) Subject to the provisions of this paragraph, the Council may regulate the procedure in regard to the meeting of the Council and the transaction of business at such meetings.

9. No act, decision or proceeding of the Council shall be deemed to be invalid by reason only of the existence of any defect in the appointment of any member thereof.

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

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

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

(4) The Council shall maintain a register of the instruments and documents to which the seal of the Council has been affixed.

14 *Computer and Information Technology Council
of Sri Lanka Act, No. 10 of 1984*

11. (1) If the Chairman is, by reason of illness or absence from Sri Lanka temporarily unable to perform the duties of his office, the President may appoint another member of the Council to act in his place.

(2) The President may, without assigning any reason therefor, terminate the appointment of the Chairman.

(3) The Chairman may at any time resign from the office of Chairman by a letter addressed to the President. Such resignation shall take effect upon it being accepted by the President in writing.

(4) Subject to the provisions of sub-paragraph (2) and (3) the term of office of the Chairman shall be his period of membership of the Council.