



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

**ARTHUR C. CLARKE CENTRE
FOR MODERN
TECHNOLOGIES
ACT, No. 30 OF 1984**

[Certified on 5th July, 1984]

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**Arthur C. Clarke Centre for Modern
Technologies Act, No. 30 of 1984**

[Certified on 5th July, 1984]

L.D. O 20/83

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ARTHUR C. CLARKE CENTRE FOR MODERN TECHNOLOGIES ; AND TO PROVIDE FOR THE STUDY OF COMMUNICATION, COMPUTERS, ENERGY, SPACE TECHNOLOGIES AND ROBOTICS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. This Act may be cited as the Arthur C. Clarke Centre for Modern Technologies Act, No. 30 of 1984 and shall come into operation on such date as may be appointed by the Minister by Order published in the *Gazette*.

Short
title
and
date of
operation.

PART I

THE ARTHUR C. CLARKE CENTRE FOR MODERN TECHNOLOGIES

2. (1) There shall be established a Centre which shall be called the "Arthur C. Clarke Centre for Modern Technologies" (hereinafter referred to as the "Centre").

Incorporation of the Centre for Modern Technologies.

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

(3) The seal of the Centre—

(a) shall be in the custody of such person as the Board may from time to time determine ;

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

(c) shall not be affixed on 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.

3. The aims and objects of the Centre shall be the acceleration of the process of introduction and development of modern technologies in the field of communications, computers, space technologies, energy and robotics through the provision of training and research facilities and in particular to—

Aims and objects of the Centre

(a) institute Professorships, Research Fellowships and promote undergraduate and postgraduate courses in the relevant disciplines in collaboration with the University of Moratuwa ;

- (b) train personnel required for satellite and terrestrial communication links, data networks, radio and television broadcasting and for the development of computer hardware and software through in-service training courses, seminars and symposia;
- (c) provide advisory services, including research and development support to industry in the application of modern technologies and in the establishment of training programmes needed by industry;
- (d) erect, equip and maintain buildings, libraries and research laboratories and provide other services as required for the conduct and development of teaching and research in communications and computer technologies, energy studies and robotics;
- (e) initiate, promote and conduct research and development in the application of communication and computer technologies to meet the needs of Sri Lanka and other developing countries;
- (f) initiate and promote research and development in the use of alternative sources of energy, especially for rural communication and computer applications;
- (g) establish and maintain liaison with technical workers and technical institutions in Sri Lanka and in other countries and promote international co-operation in matters relating to the aims and objects of the Centre;
- (h) provide advanced training for mass media communications specialists;
- (i) give grants, endowments or scholarships for the furtherance of the objects of the Centre; and
- (j) do such other acts and things as may be necessary to promote the aims and objects of the Centre.

PART II

ADMINISTRATION OF THE CENTRE

4. (1) The affairs of the Centre shall be administered by a Board of Governors (in this Act referred to as the "Board"), consisting of the following members:—

Members
of the
Board.

(a) four ex officio members, namely—

- (i) the Secretary to the Ministry of the Minister in charge of the subject of Higher Education;
- (ii) the Vice-Chancellor of the University of Moratuwa;
- (iii) the Chairman of the Computer and Information Technology Council of Sri Lanka; and
- (iv) the Director of the Centre, appointed under paragraph (a) of subsection (1) of section 13;

(b) six members to be appointed by the President in consultation with the Minister; four of them being persons who are involved in or have professional experience in the application or development of communications, computers, space and energy technologies; and two being persons who have professional standing in relation to the work of any Institute the objects of which are similar to that of the Centre and who may be selected from among persons—

- (i) residing in Sri Lanka;
- (ii) engaged in work in any organization providing funds for the Centre; or
- (iii) residing in countries making a substantial financial contribution to the Centre; and

(c) two members selected from among its members by the Technical Advisory Council (referred to in subsection (1) of section 11) each of whom shall hold office for three years or until he ceases to be a member of the Council whichever date is earlier.

(2) The President shall, in consultation with the Minister, appoint from among the members of the Board, two persons, who shall be the Chairman and Vice-Chairman of the Board.

(3) A vacancy created by a member appointed by the President, by death, resignation or removal shall be filled by the President. Any person so appointed to fill a vacancy shall hold office for the unexpired period of the term of office of his predecessor.

(4) A vacancy occurring as a result of a member elected under paragraph (c) of subsection (1) of section 4, by death, resignation, cessation of office as a member of the Technical Advisory Council or removal shall be filled by the Technical Advisory Council by electing a member thereof who shall hold office for the unexpired period of the term of office of his predecessor.

(5) A member appointed by the President under paragraph (b) of subsection (1) of section 4 or elected by the Technical Advisory Council under paragraph (c) of subsection (1) of section 4 may, at any time, resign his office by letter addressed to the President and such resignation shall not take effect until the President intimates in writing to such member that such resignation has been accepted.

(6) A member appointed by the President under this section may be removed by him at any time without reasons assigned and such removal shall not be questioned in any court.

Proceedings
of the
Board.

5. (1) The Chairman or in his absence the Vice-Chairman or in the absence of both, a member chosen by the members present at any meeting of the Board shall preside at such meeting.

(2) The Board shall meet as often as necessary in ordinary session and once a year in Plenary session to provide for participation by its overseas members.

(3) The views of overseas members sought by correspondence shall be tabled at ordinary meetings of the Board.

(4) The quorum for a meeting of the Board shall be five members.

(5) Subject to the provisions of this Act the Board may make rules for the procedure in the conduct of its affairs.

Remuneration
for
members
of the
Boards.

6. The members of the Board shall be paid such allowance and other remuneration as the President shall determine in consultation with such persons as he may consider necessary.

7. No act or proceeding of the Board shall be deemed to be invalid by reasons only of the existence of any vacancy among its members or any defect in the appointment of any member thereof.

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

8. 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.

Eligibility for re-appointment as member of the Board.

9. (1) The Board shall have the power subject to the provisions of this Act and the provisions of any other Act for the time being in force, to do all things necessary for, or conducive or incidental to, the carrying out of the objects of the Board.

Powers, duties and functions of the Board.

(2) Without prejudice to the generality of powers conferred by subsection (1), the Board may exercise, perform and discharge the following powers, duties and functions:—

(a) to act as the policy-making body of the Centre, and lay down or approve in principle its major programmes;

(b) to hold, control and administer the funds of the Centre;

(c) take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise assign, exchange or otherwise dispose of the same;

(d) to approve the budget and review the financial conditions of the Centre, and such progress reports of the Centre as may be submitted by the Director;

(e) to raise funds for the administration of the Centre and to receive donations, grants and gifts in cash or kind from local or foreign sources for the running of the Centre;

(f) establish a fund for the promotion of communication and computer technologies and energy studies ;

(g) to invest any money belonging to the Centre including any unapplied income, in any security in which, under the provisions of section 20 of the Trusts Ordinance or of any other written law, it is lawful to invest any such moneys in the purchase of immovable property in Sri Lanka, vary investments or to place on fixed deposit in any bank any portion of such moneys not required for immediate expenditure ;

(h) enter into agreement for co-operation with educational or other institutions whether in Sri Lanka or abroad having objects wholly or partly similar to those of the Centre for the exchange of personnel and students and generally for such purposes as may be conducive to their common objects ;

(i) make appointments to the staff of the Centre ;

(j) levy fees or charges for any services rendered by the Centre or enter into contracts for undertaking research and development ;

(k) to delegate any of its powers, duties and functions to the Director, Deputy Director, Council or committees ;

(l) make rules in respect of the management of the affairs of the Centre ; and

(m) to do all such other acts as may be necessary for the achievement of the aims and objects of the Centre.

Power of
Board to
make
rules.

10. 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 a
Council
and
Committees.

11. (1) The Board may appoint a Technical Advisory Council and 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 the Act.

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

(3) The Director of the Centre shall be the ex officio Chairman of the Technical Advisory Council.

(4) The Deputy Director of the Centre shall be the ex officio Vice-Chairman of the Technical Advisory Council.

(5) Two Professors in the relevant disciplines, of the University of Moratuwa, as determined by its Senate, shall be ex officio members of the Technical Advisory Council.

(6) The terms of office and specific powers, duties and functions of the Technical Advisory Council and of every committee established under this section shall be determined by the Board.

(7) The Board may make rules in respect of the procedure to be followed at the meetings of the Technical Advisory Council and of the committees, including the quorum of such meetings.

12. The Minister may from time to time, issue to the Board, such general or special directions as may be necessary for the carrying out of its functions.

Minister
to issue
general or
special
directions.

PART III

APPOINTMENT AND DISCIPLINARY CONTROL OF STAFF AND OTHER MATTERS

13. (1) The Board shall appoint—

(a) The Director of the Centre,

(b) The Deputy Director of the Centre, and

(c) Professors of the Centre.

Appoint-
ment of the
Director,
Deputy
Director
and
other
officers
of the
Centre.

(2) Where selection to the post of Director is made from among persons having academic and research experience, then selection to the post of Deputy Director shall be made from among practising professional engineers, and conversely where the Director is selected from practising professional engineers, then selection to the post of Deputy

Director shall be made from persons possessing academic and research experience. In either case experience shall be related to one or more of the fields of study to be undertaken at the Centre.

Powers
of the
Board
in regard
to appoint-
ments to
the
staff of
the Centre.

14. The Board may—

- (a) exercise powers of appointment, dismissal and disciplinary control over the staff of the Centre as are appointed by it, under subsection (1) of section 13:

Provided that, the Board may delegate its powers of appointment, dismissal and exercise of disciplinary control to the Director as hereinafter set out.

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

- (c) determine the terms and conditions of service of such staff ; and

- (d) provide for contributions under the Employees' Provident Fund Act, No. 15 of 1958 for its employees as provided for in that Act.

Powers of
Director
and
Deputy
Director.

15. (1) The Director shall—

- (a) be responsible for the management and administration of the Centre in accordance with the policies and decisions of the Board ;

- (b) exercise, perform and discharge such powers, duties and functions as may be delegated to him ;

- (c) appoint the academic staff of the Centre other than the Professors ;

- (d) appoint to the staff of the Centre such officers and other employees as may be necessary for the purposes of the Centre ; and

- (e) be the Chief Accounting Officer of the Centre.

- (2) (a) The Deputy Director shall assist the Director in the exercise, performance and discharge of his powers, duties and functions under the Act ;

(b) The Board may delegate to the Deputy Director specific powers and duties for which he shall be directly responsible to the Board.

(3) The terms and conditions of employment including the remuneration of the Director and Deputy Director shall be determined by the Board.

16. (1) At the request of the Board, any officer in the public service may, with the consent of that officer and of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration or of the appropriate Ministry be temporarily appointed to the staff of the Centre for such period as may be determined by the Board with like consent, or be permanently appointed to such staff.

Appointment
of public
officers
and
servants
of the
Local
Government
Service
to the
staff
of the
Centre.

(2) Where any officer in the public service is temporarily appointed to the staff of the Centre, the provision 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 Centre, 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 Board employs any person who has entered into a contract with the Government to serve the Government for a specified period, any period of service to the Centre by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(5) At the request of the Board, any officer or servant of the Local Government Service or of any local authority may, with the consent of such officer or employee and the Local Government Service Advisory Board or that authority, as the case may be, be temporarily appointed to the staff of the Centre for such period as may be determined by the Board with like consent or be permanently appointed to such staff on such terms and conditions including those relating to pension or provident fund rights as may be agreed upon by the Board and the Local Government Service Advisory Board or that authority.

PART IV

DEPARTMENTS AND ACADEMIC STAFF OF THE CENTRE

Departments
of the
Centre.

17. The Centre shall consist of such Departments of studies (hereinafter referred to as "Departments") as may be determined by the Board.

Academic
staff of
Departments.

18. The staff of each Department shall consist of the following persons:—

(a) Professors;

(b) Research Fellows; and

(c) Other categories as decided by the Board.

Professor
to
function as
Director or
Deputy
Director.

19. The Professor of any Department may in addition to the discharge of his functions as Professor, function as Director or Deputy Director.

Professional
and
Academic
staff of
the Centre.

20. The Director, Deputy Director, the Professors and Research Fellows and other categories as decided by the Board of all the Departments shall together constitute the professional staff of the Centre.

PART V

FINANCE

Centre
entitled to
receive
grants
from
any
source.

21. The Centre shall be entitled to receive grants from any source whether in Sri Lanka or abroad, and to negotiate directly for such grants with any individual institution or body of persons whether corporate or incorporate for the purpose of carrying out its aims and objects.

Government
grant.

22. The Government may donate to the Centre annually a grant adequate for the purpose of carrying out the aims and objects of the Centre.

Funds of
the
Centre.

23. (1) The Centre shall have its own Fund.

(2) There shall be paid into the Fund of the Centre—

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

- (b) all such sums of money as may be voted from time to time by Parliament for the use of the Centre;
- (c) all such sums of money as may be received by the Centre in the course of the exercise, performance and discharge of its powers, duties and functions; and
- (d) all such sums of money as may be received by the Centre by way of loans, donations, gifts or grants from any source whatsoever whether in Sri Lanka or abroad:

Provided, however, that any income derived from grants made for specific purposes or from endowment of specific objects, shall be separately accounted for in the accounts of the Centre and no payment shall be made from such income for general purposes of the Centre or any purpose or objects other than those for which such grants or endowments were respectively made.

24. There shall be paid out of the Funds of the Centre all such sums of money required to defray any expenditure incurred by the Centre in the exercise, performance and discharge of its powers, duties and functions.

Payments
out of
the Fund.

25. The mode and manner of withdrawal of any money from the Fund of the Centre and the investment of any money 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.

Withdrawal
and
investment
of moneys
of the
Fund.

26. The Centre shall be exempt from the payment of any rates and taxes imposed by any local authority.

Centre
to be
exempt
from
payment
of any
rates and
taxes imposed
by any
local
authority.

27. (1) The financial year of the Centre shall be the calendar year.

Financial
year of
the Centre
and audit
of accounts.

(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 Centre.

(3) The accounts of the Centre shall be audited by the Auditor-General in accordance with Article 154 of the Constitution.

(4) The Board shall determine the remuneration of the auditors of the Centre.

Government
to make
available
premises
for use of
the Centre.

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

PART VI

GENERAL

Protection
of members
of the
Board
and
officers
of the
Centre.

29. (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

(b) against any member, officer, employee or agent of the Centre 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 funds of the Centre and any costs paid to, or received 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 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 Centre, unless such expense is recovered by him in such suit or prosecution.

30. No writ against person or property shall lie against any member of the Board or any officer, employee or agent of the Centre in any action brought against the Centre.

No writ
to lie
against
person or
property
of any
member of
the Board
or an
officer
of the
Centre.

31. The Centre 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.

The
Centre
deemed
to be
a
Scheduled
Institution
within
the
meaning
of the
Bribery
Act.

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