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EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

NOTIFICATIONS OF PROVINCIAL COUNCIL

WESTERN PROVINCIAL COUNCIL

Information Technology Resources Development Charter of Western Province

NEW Information Technology Resources Development Charter of Western Province No. 01 of 2017, which has been prepared by the Minister of Education, Cultural and Arts Affairs, Sports and Youths Affairs and Information Technology of the Western Province rescinding the Information Technology Resources Development Charter of Western Province No.06 of 2000, is given below. This new charter shall come in to effect from 12.09.2017.

K. W. RANJITH SOMAWANSA,
Minister of Education, Cultural and Arts Affairs,
Sports and Youths Affairs and
Information Technology of the
Western Province.

Battaramulla.
04th October, 2017.



**Information Technology Resources Development Authority Statute,
No. 01 of 2017 of the Western Province**

A statute to provide for systematic, efficient and effective utilization of Information and communication affairs for the performance of duties and functions relevant to the subjects assigned to Western Province Provincial Council, for development and analysis of systems and methods, to regularize and expand computer technology and related matters, to provide the benefits of Information technology development to the people, to allocate provisions for matters incidental thereto and to repeal the Information Technology Resources Development Statute No. 06 of 2000 of Western Province.

BE it passed by the Provincial Council of the Western Province of Democratic Socialist Republic of Sri Lanka as follows :-

Short title and
Date of
Enforcement.

1. This Statute may be cited as the Information Technology Resources Development Authority Statute No. 01 of 2017 of Western Province and shall come into operation on the date of assent of the Governor.

PART I

**Establishment of the Western Province
Information Technology Resources Development Authority
and its Composition**

Establishment of
Information
Technology
Resources
Development
Authority

Authority's
Management
Board

2. (1) There shall be established an authority which shall be called information Technology Resources Development Authority of the Western Province, hereinafter referred to as the "Authority".
- (2) The Authority shall be a body corporate with perpetual succession and a common seal and may sue and sued in such name.
3. Administration and Management of Authority's affairs shall be assigned to the Management Board (hereinafter referred to as "Board") as per provisions allocated below and the said Management Board shall consist of four (04) official members, three (03) members appointed by the minister from among the members stated below.
 - (a) Officers appointed on ex-officio basis :
 - (i) Deputy Chief Secretary of Western Province (Personnel and Training)
 - (ii) Deputy Chief Secretary of Western Province (Financial)
 - (iii) Deputy Chief Secretary of Western Province (Engineering)
 - (iv) Provincial Director of Education of Western Provincial
 - (b) Three persons appointed by the minister from among the following stated persons:
 - (i) Two persons excelled in proper knowledge and expertise pertaining to the subjects of Information and Communication Technology, Telecommunication, Law, Administration and Management, will be appointed as members.
 - (ii) Another persons shall be appointed by inquiring the Chief Minister, that member shall be appointed as the Chairman of the Authority.
4. Where a person ;
 - (1) Is a member of Parliament, member of Provincial Council or Councilor of a Local Government Authority or,

Disqualifications
to become a
member

- (2) Is not a Sri Lankan citizen or,
- (3) Has been declared or decided as a mentally instable person according to a law enforced in Sri Lanka or any other country or,
- (4) is/ has been subjected to a penalty in the form of imprisonment, ordered by a Court of Law in Sri Lanka or any other country,
- (5) Is an owner of a private company maintaining a business regarding Information Technology or being an agent of him

such a person shall not qualify to be appointed as a member of the Board or to function continuously as a member.

5. (1) Every appointed member of the authority shall hold his office for not more than three years, decided by the minister at the time of the member's appointment and calculated from such date of appointment. Further, unless removed from office under Sub-section 7(1), he shall qualify to be re-appointed. Official Tenure of Members Appointed
- (2) The member/members appointed in place of an already appointed member's removal from office or upon his resignation, shall hold office only for the remaining term.
6. (1) The official tenure of Chairman shall be his term of membership at the Authority subjected to provisions of Sub-section 7(1). The official Tenure of Board's Chairman
- (2) In case the Chairman becomes unable to accomplish duties of his office temporarily due to an illness or other disability or staying away from Sri Lanka, the minister may appoint a Management Board member to act in his place.
- (3) The Chairman may resign by way of a letter forwarded to the minister.
- (4) When the minister is dissatisfied about the modus operandi of Chairman, he may terminate Chairman's appointment after inquiring the Chief Minister.
- (5) The Chairman shall preside at all the meetings of the Board. In the absence of Chairman at a meeting of the Board, a Management Board member present at the said meeting should select one among them to preside that particular meeting.
7. (1) Whoever a member may be removed from his office by the minister by way of a *Gazette notification* without declaring any explanation and such removal shall not be challenged in any Court of Law. Removal from Membership
- (2) Where the minister has made an order as per above Sub-section (1) with regard to a member of the Authority, affairs shall proceed considering as if the said member's office got vacant by the date such order was published in the *Gazette paper*.
- (3) A member appointed to the Authority may resign from his office of member or Chairman at any time, by way of a resignation letter forwarded to the minister.
- (4) Emoluments, allowances and other expenses from the Authority's fund may be paid to all the members of the Management Board of the Authority or to any particular member, according to provisions issued from time to time and circulars on the consent of the Secretary in charge of the subject of Finance and instructions and provisions issued by the Provincial Treasury. Payment of Emoluments to the Members of Management Board.

8. (1) Quorum of a meeting of the Board shall consist of 04 members.

Rules of
Procedure of the
Board

(2) No action or process should be as invalid owing to a vacancy in the Board's membership or faulty appointment of members to the Board.

(3) A Management Board meeting shall be held once a month at least.

(a) A written notice on every board meeting shall be served to each member 03 days prior to the meeting day and its shall state tasks scheduled at the said meeting.

(b) If a request be made by way of a letter signed by minimum of two members to call a Board meeting, the Chairman shall call a special Board meeting.

(c) Without the approval of the Board member appointed by the Minister, if a member does not participate for three meetings continuously, his membership will be abolished.

(4) Affairs of the Authority shall be administered by the Management Board.

(5) The Management Board may assign its powers and functions required for efficient control of the Authority, to Chairman, Director or employee of the Authority.

Secretary of the
Management
Board

(6) A suitable officer from among the employees of the Authority may be appointed as the Secretary of the Management Board.

(7) In case of the Board of Members' voting on any matter takes equal division, the presiding person shall possess a "Casting Vote".

PART II

Objectives and Powers of the Authority

Objectives of the
Authority

9. Objectives of the Authority are as follows.

(1) Providing Government Services through internet and other new technologies to public by establishing information and communication technology services and implementing e-government policy of the province.

(2) Planning, development, establishment and maintenance of information and communication technology projects relevant to the province.

(3) Installing software systems to improve service efficiency of provincial council and to automate processes.

(4) Creating websites and networks for ministries, departments and institutions of Provincial Council.

(5) Establishment and management of information communication technology infrastructure for all the institutions of provincial Council.

(6) Providing computer education and training to officers of the Provincial Council.

(7) Taking necessary measures to popularize knowledge on information and communication technology subject and computer science of the Province.

- (8) Providing technological counseling services and other assistances to institutions engaged in affairs related information and communication technology resources development within the province.
- (9) Providing services to private sector or other institutions expecting Authority's service with regard to information communication technology by charging a fee.

10. Powers of the Authority are as follows.

Authority's
Powers

- (1) Purchasing , take or give on lease or hire, mortgage, sell or otherwise dispose of any moveable or immoveable property for the purpose of discharging Authority's objectives and functions.
- (2) To enter into contracts and agreements required for the implementation of Authority's powers and activate Authorities objectives.
- (3) Creating a separately functioning business entity capable of implementing information communication technological projects under the Authority and recruiting experts on information and communication technology on permanent and assignment basis and making payments to them as decided by the managements board by utilizing the revenue earned through the said projects.
- (4) To levy and charge fee for the services provided by the Authority to provincial Council or to external parties under the recommendation of the management.
- (5) Couducting research relating to development affairs in information and communication technology field, assisting such researches, coordinating and encouraging them.
- (6) Maintaining training affairs and educational affairs on entrepreneur skills relevant to information Technology field, implementation of programmes to extend knowledge and information by way of training programmes, seminars, conferences, workshops and study tours.
- (7) Maintaining sub - officers and centers required for the Authority on prior approval of the minister.
- (8) Formulation of administrative and financial rules enabling accomplishment of objectives stated in above Section 9.
- (9) Drafting service orders for Authority's employees, their performance appraisal and taking remedial measures required.
- (10) Purchasing machines, plants and equipments required to achieve the objectives of the Authority.
- (11) In accordance to National and Provincial Council policies, obtaining funds, technological expertise knowledge or other aid.
- (12) Investing certain amount of Authority's money opportunely, on the approval of minister in charge of Finance.

11. (1) The Authority's seal shall be kept in the custody of the Director elected under the 13 (1) sentence of this statute.

Seal of the
Authority

- (2) The Authority's seal shall not be affixed to any instrument or document, except in the presence of two members in the management of the Authority who shall palce their signatures in the said instrument or document, in token of their presence.

- (3) The Authority shall maintain from the starting date a register of instruments and documents to which the seal has been affixed.

Minister's powers
in respect of the
Authority

12. The Minister in charge of the subject may give written orders to the Authority in respect of accomplishing objectives and implementation of powers of the Authority and the Authority shall put such orders into effect.

PART III

Authority's Chief Executive Officer and Other Staff

Chief Executive
Officer of the
Authority

13. (1) The Management Board shall appoint according to the approved recruitment procedure, a person full time in service as the Chief Executive Officer of the Authority who shall be cited hereinafter in this statute as the "Director"

- (2) Supervision of Authority's affairs, organizing and implementation of Authority's powers, affairs and functions and administration of Authority's employees will be assigned to the Director, subjected to general provisions and control of the Management Board.

Authority's staff

- (3) The Authority may appoint other officers and employees it considers as essential to efficiently maintain its duties subjected to the approved recruitment procedure.
- (4) An officer engaged in public service may be appointed temporarily to the Authority's staff on the request of the Authority and on the consent of such officer and its appointing authority, for a time period specified by the Authority.

PART IV

Authority's Funds and Accounts

Fund of the
Authority

14. There shall be a fund in the name of the Authority.
- (1) Money appropriated by the Provincial Council to the Authority as grants,
- (2) All the money regulated under this statute and collected,
- (3) All the money accepted by the Authority as charges and fees,
- (4) All the money received as donations, prizes or grants or in any other manner from sources in or outside Sri Lanka,
- (5) All the money received by selling, renting out, leasing out or disposing property, assets, goods and equipment of the Authority,
- (6) Money received from Provincial Council Fund or Local Government Authorities or from any other institution to accomplish specific projects or functions,
- (7) Money received as profit, installment or in any other manner by investing or depositing Authority's money.
- (8) Money received to the Authority by any other legal source;

shall be credited to the said Fund.

15. Payments may be made from the Fund for the following matters. Payments from the Fund
- (1) Emoluments payable to members of the Authority's Management Board,
 - (2) Salaries payable to officers and employee of the Authority,
 - (3) Payments and emoluments payable to service providers of the Authority,
 - (4) The expenses borne by the Authority in connection to implementation and accomplishment of its powers, functions and duties.
16. Authority's Financial Year should be a calender year. Financial Year
17. Accounts and books shall be maintained with regard to income and expenditure as well as of assets and liabilities of the Authority.
18. Financial Statement for the year ending at 31st December in every year shall be prepared for every financial year. Such statements shall be forwarded to the Auditor General prior to 31st March of the following year. Financial Statements
19. All the assets and properties of the Authority shall be subjected to a Board of Survey as at 31st December of every year.
20. Before the commencement of every year, having prepared an estimate for the relevant year, approval of the Management Board shall be obtained prior to the commencement of the year.
21. When the audited accounts and Auditor General's reports are received each year, those reports, along with a report including the functions performed by the Authority within the relevant financial year shall be forwarded to the minister and he shall take measures to present such reports to the Provincial Council immediately.

PART V

General Matters

22. (1) The minister in charge of the subject may formulate regulations on a matter or on all matters relating to implementation, enforcement of powers and levying of charges under this statute without any detriment to powers assigned by this statute.
- (2) Every regulation formulated by the minister in charge of the subject under this section shall be published in the Gazette paper and it shall be enforced from the date of such publishing or from any other date stated in such regulation.
- (3) Every regulation formulated by the minister in charge of the subject, within 06 months of its publication in the Gazette, shall be submitted to the Provincial Council for approval and any regulation which is not so approved by Provincial Council shall be deemed to be repealed from the date of its disapproval, but without any prejudice to anything previously done there under.

PART VI

Interim Provisions

23. (1) From the date of assent to this statute by Governor of Western Province, Information Technology Resources Development Statute No. 06 of 2000 of Western Province shall hereby be repealed.

(2) Even so,

(a) all the moveable and immoveable property and

(b) all the assets and liabilities,

in possession of Western Provincial Information Technology Resources Development Institute established under the Information Technology Resources Development Statute No. 06 of 2000 shall be considered as moveable and immoveable property, assets and liabilities of the Authority under this statute.

(3) Functions performed under the Information Technology Resources Development Statute No. 06 of 2000 shall be considered as functions accomplished under this statute.

(4) Further, officers or employees of western Provincial Information Technology Resources Development Institute established under the Information Technology Resources Development Statute No. 06 of 2000 shall be considered as officers or employees of this Authority.

Interpretations

24. In this statute, unless the context otherwise requires :

"Minister" means the minister in charge of the Information Technology subject of Western Province Provincial Council.

Sinhala Text to prevail in case of Inconsistency

25. In case of inconsistency between the Sinhala and Tamil texts of this statute, Sinhala text shall prevail.