



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRILANKA**

**FEDERATION OF INFORMATION TECHNOLOGY
INDUSTRY SRI LANKA (INCORPORATION)**

A

BILL

**to incorporate the Federation of Information Technology
Industry Sri Lanka**

*Presented by Hon. (Dr.) Ramesh Pathirana, M. P. for
Galle District on 29th November, 2013*

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*Federation of Information Technology
Industry Sri Lanka (Incorporation)*

AN ACT TO INCORPORATE THE FEDERATION OF INFORMATION TECHNOLOGY
INDUSTRY SRI LANKA

WHEREAS a non-profit organization called and known as the “Federation of Information Technology Industry Sri Lanka” has heretofore been established with the objective of *inter-alia* promoting, encouraging, fostering and safeguarding the interests of any body corporate of the Information and Communications Technology Industry (whether incorporate or not) and to assist with the development of a sound and healthy Information and Communications Technology Industry in the Democratic Socialist Republic of Sri Lanka and carry out and transact all matters connected with the said Federation:

AND WHEREAS the said Federation has heretofore successfully carried out and transacted the several objects and matters for which it was established in 1996, and is desirous to be incorporated, and it will be in the public interest to provide for such incorporation by law:

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

1. This Act may be cited as the Federation of Information Technology Industry Sri Lanka (Incorporation) Act, No. of 2013.

2. From and after the date of commencement of this Act, such body of persons as now are members of the “Federation of Information Technology Industry Sri Lanka” (hereinafter referred to as “the Federation” or “FITIS”) shall hereafter be admitted as members of the FITIS hereby constituted, shall be a body corporate (hereinafter referred to as “the Corporation”) with perpetual succession, under the name and style of the “Federation of Information Technology

Preamble.

Short title.

Incorporation
of the
Federation of
Information
Technology
Industry
Sri Lanka.

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Objects of
the
Corporation.

- (g) to collect, collate, and distribute information and ideas, on methods and techniques for the benefit and improvement of the Information and Communications Technology Industry;
- 5 (h) to interact with the Government or any public bodies with a view to promote the interests of FITIS and the Information and Communications Technology Industry;
- 10 (i) to engage in such other activities as may be determined by the Executive Council in order to promote the interests of the Information and Communications Technology Industry;
- (j) to do all such other acts and things as are incidental or conducive to the attainment of the above objects.
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4. (1) Subject to the provision of this Act and any other written law, the Corporation shall have the power to do, perform and execute all such acts, matters and things whatsoever as are necessary or conducive or incidental to the promotion or furtherance of the objects of the Corporation or any one of them.

Powers of the Corporation.

(2) Without prejudice to the generality of the powers conferred by subsection (1). the Corporation may exercise and discharge the following powers and functions:—

- 25 (a) to acquire, hold and develop any property movable or immovable which may become vested in it by virtue of any purchase, grant, gift, device or otherwise;
- 30 (b) to sell, mortgage, lease, or grant, convey, devise, assign, exchange or otherwise dispose of, any such property or part or portion of such property;

4 *Federation of Information Technology
Industry Sri Lanka (Incorporation)*

- (c) to invest moneys belonging to the Corporation in such securities as may be determined by the Executive Council;
- 5 (d) to open, operate and close bank accounts and to borrow or raise money with the property of the Corporation as security, or without such security, for the purposes of the Corporation;
- (e) to raise funds locally and internationally and receive grants, gifts or donations in cash or kind;
- 10 (f) to invest any surplus funds in an appropriate manner in the best interests of the Corporation;
- (g) to establish Advisory Board as the Executive Council thinks fit;
- 15 (h) to appoint such officers and servants as may be necessary for the purposes of the Corporation, and to dismiss and take disciplinary action against such officers and servants; and
- 20 (i) to co-operate with other organizations, voluntary bodies and statutory authorities and to exchange information and give or receive advice.
- 25 5. (1) The affairs of the corporation shall, subject to the provisions of this Act be administered by an Executive Council (hereinafter referred to as the Council) consisting of office bearers and such other members as may be elected in accordance with rules of the Corporation made under section 6.
- Management of the affairs of the Corporation.
- (2) The First Council shall be the Executive Council holding office on the day immediately preceding the date of commencement of this Act.

6. (1) It shall be lawful for the Corporation, from time to time, at any meeting and by a majority of not less than two-thirds of the members present and voting, to make rules, not inconsistent with the provisions of this Act or other written law, for the following matters:—

Rules of the Corporation.

- (a) the classification of members and the admission, withdrawal, expulsion or resignation of members;
- (b) the appointment resignation, vacation of , or removal of members, and their powers, conduct and duties;
- (c) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation;
- (d) the procedures to be observed at, and the summoning and holding of meetings of the Executive Council and/or meetings of members, the times, places, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat;
- (e) the administration and management of the property of the Corporation, the custody of its funds and the maintainance and audit of its accounts;
- (f) the appointment, manner and the procedure to obtain the advice from the Advisory Board.

(2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in like manner as a rule made under subsection (1).

(3) The members of the Executive Council shall at all times be subject to the rules of the Corporation.

6 *Federation of Information Technology
Industry Sri Lanka (Incorporation)*

7. The Fund of the Corporation shall consist of— Fund of the Corporation.

- 5 (a) all moneys lying to the credit of the FITIS on the day immediately preceding the date of commencement of this Act, which shall stand transferred to the Corporation as from that date;
- (b) all monyes that may accrue to the Corporation from investments or other receipts due to the FITIS after the date of the commencement of this Act; and
- 10 (c) any grant received from the government from time to time for the purpose of carrying out the aims and objects of the Corporation.

8. (1) There shall be paid out of the Fund— Payments out of the Fund.

- (a) expenses necessary for the working, and maintenance of the Corporation;
- 15 (b) the payment of salaries and incentives to officers, servants and other employees; and
- (c) all such other payments as are approved by the Executive Council as being necessary for the purpose of carrying out the objects of the Corporation.
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 (2) The monyes and the property of the Corporation, however derived shall be applied solely for the promotion of the objects specified above, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever to the members of the Corporation.

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9. (1) There shall be an Advisory Board appointed by the Executive Council. Advisory Board.

30 (2) Members of the Council of Infotel Lanka Society Limited a society registered under the Societies Ordinance (Chapter 123) may serve on the Advisory Board for the Corporation.

10. All debts and liabilities of the FITIS subsisting on the day immediately preceding the date of commencement of this Act shall be paid and discharge by the Corporation hereby constituted and all debts due to and subscriptions
5 and contributions payable to the FITIS on that day shall be paid to the Corporation for the purpose of this Act.

Debts due by
and payable
to the
Corporation.

11. All contracts and agreements of the said FITIS existing on the date immediately preceding the coming into operation of this Act shall with effect from the date of the
10 coming into operation of this Act be deemed to be the contracts and agreements of the Corporation hereby constituted.

Contracts,
&c. of the
FITIS
deemed to
be those of
Corporation.

12. (1) The accounts of the Corporation shall be examined and audited at least once in every year and the
15 correctness of the income and Expenditure. Accounts and the Balance sheet shall be signed by two members of the Corporation authorized to do so by a resolution passed by the Corporation and confirmed by a qualified auditor appointed by the Corporation.

Accounts and
audit.

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

(2) The accounts of the Corporation shall be audited by a qualified auditor.

25 (3) In this section, “qualified auditor” means —

(i) an individual who being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by
30 the Council of such Institute; or

(ii) a firm of Accountants each of the resident partners of which, being a member of the Institute of

Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such Institute;

5 **13.** The financial year to the Corporation shall be the calendar year. Financial year, of the Corporation.

10 **14.** (1) Any expense incurred by the FITIS in any suit or prosecution brought by or against the FITIS before any court shall be paid out of the Fund of the Corporation and any costs paid to, or recovered by, the FITIS in any such suit or prosecution shall be credited to the Fund of the Corporation. Protection of members of the Executive Council and officers, &c. of the Corporation for action under this Act.

15 (2) Any expense incurred by FITIS as is referred to in subsection (1) in any suit or prosecution brought against FITIS before any court in respect of any act which is done or is purported to be done by FITIS under this Act or on the direction of the Executive Council shall, if the court holds that such act was done in good faith, be paid out of the Funds of the Corporation unless such expense is recovered by FITIS in such suit or prosecution.

20 **15.** The seal of the Corporation shall be in the custody of the Chairman and may be altered in such manner as may be determined by the Executive Council. The seal shall not be affixed to any instrument whatsoever, except with the sanction of the Executive Council and in the presence of two members of the Council who shall sign the instrument in token of their presence. Such signing shall be independent of the signing of any person as a witness. Seal of the Corporation.

30 **16.** The Corporation shall be able and capable in law to acquire and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift testamentary disposition or otherwise, and all such Corporation may hold property movable and immovable.

property shall be held by the Corporation for the purposes of this Act and subject to the rules in force for the time being, of the Corporation to sell, mortgage, lease, exchange or otherwise dispose of, the same.

- 5 **17.** No writ against person or property shall be issued against any member of the Executive Council or any officer, servant or agent of the Corporation in any action brought against the Corporation.
- No writ to
issue against
person or
property of a
member of
the Executive
Council of or
officer &c.
of the
Corporation.

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