

Provincial Council Notifications

WESTERN PROVINCE

INFORMATION TECHNOLOGY RESOURCES DEVELOPMENT STATUTE, No. 06 OF 2000 OF WESTERN PROVINCE

No. 1197-8- Tuesday, August 14, 2001

A Statute to provide for the utilization of information and data for the performances of duties and functions relevant to the subject assigned to the Western Province Provincial Council, systematically, efficiently and effectively for the development and analysis of systems and methods; to streamline and expand computer education and related matters; to provide the benefits of information technology development to the people and for matters incidental thereto.

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

01. This Statute may be cited as the Information Technology Resources Development Statute, No. 06 of 2000 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 INSTITUTE

Establishment of
the Western
Province
Information
Technology
Resources
Development
Institute. 02.

(1) There shall be established an institute which shall be called the Information Technology Resources Development Institute of the Western Province (hereinafter referred to as the "Institute")

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

Part II

OBJECTIVES, POWERS AND THE FUNCTION OF THE INSTITUTE

Objectives of the
institute. 03.

(1) The Institute shall have the following Objectives :-

(a) Planning and Implementing Information Technology and computer activities for the Provincial Council;

(b) Providing Information Technology services to the people;

(c) Streamlining the computer education and training in the institution functioning within the Provincial Council;

(d) Collection and maintenance of all information and data needed to ensure the proper implementation of this Statute;

(e) Collection and maintenance of information and data for the development of information technology resources within the Province;

(f) Conducting surveys, research and studies which may be necessary for the proper implementation of the provision of this Statute;

(g) Taking necessary measures to disseminate knowledge in information technology and computer science;

(h) Providing technical, financial and other assistance to the institutions, which are engaged in information technology resources development activities within the Province;

(i) To do all acts which may be needed for the implementation of the provisions of this Statute;

(2) The Institute shall have the following Powers:-

Powers and functions of the Institute.

(a) Maintaining of sub offices and centres as may be necessary for the institute, with the prior approval of the Minister and to work in collaboration with other Institutions, in Sri Lanka or abroad, engaged in discharging functions similar to those of the Institute;

(b) To acquire, hold, take or give on lease or hire, mortgage, sell or otherwise dispose of any movable or immovable property, for the purpose of discharging the powers and functions of the Institute;

(c) To enter into contracts and agreements to achieve and develop the objects of the Institute;

(d) To levy and charge fees and make payments for knowledge, educational programmes and other services, provided by the Institute;

(e) To employ the staff as may be required to perform the activities of the Institute and carrying out activities regarding appointments, promotions, postings, payment of salaries and other remunerations, administration and discipline and ordering, formulating and implementing conditions, rules and regulations required for such activities;

- (f) Assigning specified duties to the members of the staff and evaluating their performances and taking measures, relevant to such matters;
- (g) Taking action to establish a Provident Fund or such a scheme for the benefit of the staff and make contributions for any such fund or scheme;
- (h) To purchase, procure and import vehicles, equipment, machinery, stationery and other items, required for achieving the objects of the Institute;
- (i) Obtaining funds, machinery and equipment, vehicles, technology, expertise and other assistance, within the legal limits allowed to the Provincial Council and negotiating and implementing such activities with local or foreign Agencies;
- (j) To collaborate and co-ordinate with local institutions to perform, streamline and develop the functions of the institute and levying and making payments for such activities;
- (k) Evaluation and development of systems and methods in the Institutions of the Provincial Council, obtaining the assistance of other persons and Institutions for such activities and levying and making remuneration and other payments for such services;
- (l) Organizing and conducting special lectures, seminars and workshops on information technology resources development within the Province;
- (m) Providing necessary welfare and other facilities to the trainees and those obtaining services;

Board of Management. 04.

(1) Management and administration of the Institute shall be vested in a Board of Management, hereafter referred to as "Board", which shall consist of the following members:-

- (a) Chief Secretary of the Western Province;
- (b) Secretary in charge of the Chief Ministry of the Western Province;
- (c) Deputy Secretary to the Minister-in-Charge of the Subject of Human Resources Development of the Western Province;
- (d) Deputy Secretary (finance) of the Western Province;
- (e) Provincial Director of Education;
- (f) Three representatives out of the following, appointed by the Minister;

(i) A person proficient in Information Technology and Computers of a recognized University;

(ii) A person from the State sector with a sound knowledge and experience in Information Technology and Computers;

(iii) A Senior Provincial Council's official with knowledge or interest or engaged in Information Technology Development;

(2)

(a) The Chief Minister may appoint one among the members, as the Chairman of the Board and the Director of the Institute shall be the ex-officio Secretary of the Board.

(b) The term of office of a member appointed under paragraph (f) of Sub-section (I) shall be three years and a member who vacates his post by the effluxion of time shall be eligible for re-appointment.

(3) If any Member of the Board has become a Member of Parliament, a Member of Provincial Council or a Local Authority or if elected to such a post, he shall be disqualified from being a Member of the Board from the date he has been so elected.

(4) The Chairman or any member of the Board -

(1) if subjected to any disqualification mentioned in section 3 (3); or

(2) if permanently unable to perform the duties, due to physical disability or having been declared to be of unsound mind or absent from Sri Lanka or any other cause; or,

(3) if proved to be guilty of committing an act which would bring disrepute to the Board,

the Minister shall remove him from the post he held and appoint another person to act in his place.

(g) an appointed member may resign from his post by a letter addressed to the Minister.

Powers of the Board. 05.

(i) The Board shall have the powers to do all acts and to take all measures to achieve the objectives of the Statute.

(ii) The powers, functions and duties of the Board or part thereof can be delegated to its Chairman or any member with limitations. Such functions and duties can be executed subject to the administration and orders of the Board.

Seal of the Institute. 06.

- (1) The Institute shall have its own seal which shall be kept in the custody of the Director of the Institute.
- (2) The seal of the Institute shall not be affixed to any instrument or document, except in the presence of the Chairman and a Member of the Board who shall place their signatures in every instrument or document, in token of their presence.
- (3) The Board shall maintain a register of instruments and documents to which the seal has been affixed.

Meetings of the Board. 07.

- (1) The quorum for the any meeting of the Board shall be five members.
- (2) Meetings of the Board shall be held at least once in every month.
- (3) No act or a decision of the Board shall be invalid by reason only of the existence of a vacancy in the Board or any defects in the appointment of a member thereto.
- (4) Members of the Board shall be entitled to receive remunerations and allowances as are determined by the Board.
- (5) In respect of special services, lectures or contributions on behalf of the Institute, a member of the Board shall be entitled for payment, as determined by the Board, having regard to the payments others providing similar service in the Province receive.
- (6) The Minister shall have the power to provide suggestions and guidance regarding the objects of this Institute.
- (7) The Board shall have the right to obtain consultancy and services to implement the objects of the Statute, whenever it deemed necessary.

Part III

FUND OF THE INSTITUTE

Fund of the Institute. 08.

- (1) The Institute shall have a fund and sums of money received from the following sources shall be credited to it :-
 - (a) all such sums of money as approved by the Western Provincial Council from time to time for the use of the Institute;
 - (b) all such sums of money as may be received by the Institute in the exercise, performance and discharge of it's powers, duties and functions under the Statute;
 - (c) loans, donations, gifts or grants received from any source within or outside Sri Lanka or all such sums of money received in any other manner;

(d) income received by the sale, hire, lease or disposal of properties, assets, goods and equipment belonging to the Institute.

(e) interests, profits, instalments and sums of money received in any other manner from investments or deposits made and loans granted from funds of the Institute;

(f) such sums of money as are received from the Provincial Council Fund or from Local Authorities or from any other Institution for carrying out any special project or for the performance of any other function.

(g) such sums of money as are received from all other lawful sources.

(2) All expenses of the Institute, in the exercise, performance and in the discharge of its powers, duties and functions, which in the opinion of the Board should be borne by the Institute, shall be paid out of the Fund of the Institute.

Financial year of 09,
the Institution.

(1) The Financial year of the Institute shall be the calendar year.

(2). Accounts and books in respect of income and expenditure and assets and liabilities of the Institute, shall be maintained, as directed by the Board.

(3) Receipts and payments accounts, income and expenditure account and also the balance sheet of the fund shall be prepared for every financial year ending 31st December, in that year. Such accounts shall be submitted to the Auditor General for audit, on or before the 30th June of the year succeeding such financial year.

(4) All assets, liabilities and properties of the Institute as at 31st December of every year, shall be verified by a recognized body appointed by the Board.

(5) An estimate shall be prepared for every year, starting from the 1st of January, following the commencement of the Institute and it shall be approved at the 1st meeting of the Board, to be held at the beginning of such year.

(6) Accounts of the Institute shall be subjected to the audit of the Internal Audit Unit of the Chief Secretary of the Province.

(7) Accounts of the Institute are shall be audited by the Auditor General. The Minister shall forward a copy of the report sent by the Auditor General to the Provincial Council, without delay.

(8) Expenses incurred by the Auditor-General in auditing the accounts of the Institute, shall be paid out of the funds of the Institute.

Powers to obtain loans or overdrafts. 10. Money required by the Board for execution of functions and discharge of responsibilities of the Institute under this Statute can be obtained either as a loan or overdraft from a Financial Institution accepted by the Government.

Part IV

STAFF

Director of the Institute. 11.

(1) There shall be a Director for the Institute. The Governor shall appoint an officer of the Provincial Council or a senior officer temporarily released from the Public Service for this post. The Governor shall have the power to revert an officer so appointed, to his permanent post at any time.

(2) Monitoring the activities of the Institute, organizing and implementing the powers, activities and functions of the Institute and administration of the employees of the Institute, shall be entrusted to the Director, subject to the normal directions and controls of the Board.

(3) The Staff, Activities or functions of the Director, which he considers as necessary to be delegated from time to time, may with the approval of the Board be delegated by him to any other employee of the Institute in writing and any employee who has been delegated such powers, activities and functions shall exercise such powers subject to the normal and special directions of the Director.

(4) An Officer of the Public Service may, with his consent and the consent of the Secretary of the Ministry of Public Administration or an officer of the Provincial Public Service, with his consent and the consent of the Provincial Public Service Commission and also the Chief Secretary of the Province concerned, as the case may be, be appointed to the Institute on a permanent basis or a temporary basis for a specified period.

(5) If the Board decides that an Officer appointed temporarily, in accordance with sub-section (1) above, has completed a satisfactory service of 06 months from the date of such appointment, he shall be paid a monthly allowance of not more than 1/3 of the salary of his permanent post in addition to his normal salary from the date of such decision, with the approval of the Board. These appointments shall be limited to a period of 02 years and shall qualify for re-employment under sub-section of (1) or (4) above.

Part V

GENERAL

Minister may give 12.
directions.

(1) The Minister may give general or special directions from time to time to the Institute regarding the implementation and performance of the powers of the Institute under the Statute.

(2) The Minister may from time to time direct any person in writing to furnish him with such information as he may require regarding the properties and activities of the Institute and such person shall comply with all such directions.

Regulations. 13.

(1) The Minister may make regulations from time to time for the performance of duties under this Statute and for the purpose of enforcing its provisions.

(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 any subsequent day, as mentioned in the regulation.

(3) Every regulation, as soon as convenient after the publication in the Gazette, shall be submitted to the Provincial Council for approval and any regulation which is not so approved shall be deemed to be rescinded from the date of its disapproval, but without prejudice to anything previously done there under.

(4) If any regulation made by the Minister is rescinded, a notification regarding the date on which the regulation is deemed to be rescinded, shall be published in the Gazette.

Contracts, & c. 14. The Board, or a Member or an Officer authorized in that behalf by the Board, may enter into contracts, sign agreements and enforce them in the name of the institute with regard to the functions of this Statute.

Officers and servants deemed to be public servants. 15. All Members, Officers and Employees of the institute shall be deemed to be Public Servants, within the meaning and for the purpose of the Penal Code.

Institute deemed to be a scheduled Institution within the meaning of Bribery Act. 16. The Institute shall be deemed to be a scheduled Institute within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

Inconsistency between Sinhala and Tamil texts. 17. In the event of inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.

Interpretation. 18. In this Statute, unless the context otherwise requires:

"Provincial Council" means the Provincial Council of the Western Province;

"Minister" means the Chief Minister of the Western Province;

"Member" means a person appointed to the Board by the Minister or any person serving in the Board by virtue of holding any Public Office;

"Board" means the Board of Management constituted under Section 4 of the Statute.