



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

**INFORMATION AND COMMUNICATION
TECHNOLOGY ACT, No. 27 OF 2003**

[Certified on 09th September, 2003]

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*Information and Communication
Technology Act , No. 27 of 2003*

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L.D.—O. 7/2003.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL COMMITTEE ON INFORMATION AND COMMUNICATION TECHNOLOGY OF SRI LANKA ; TO PROVIDE FOR THE SETTING OUT OF A NATIONAL POLICY ON INFORMATION AND COMMUNICATION TECHNOLOGY AND FOR THE PREPARATION OF AN ACTION PLAN ; TO PROVIDE FOR THE APPOINTMENT OF A TASK FORCE FOR INFORMATION AND COMMUNICATION TECHNOLOGY ; TO PROVIDE FOR THE ESTABLISHMENT OF THE INFORMATION AND COMMUNICATION TECHNOLOGY AGENCY OF SRI LANKA CHARGED WITH THE IMPLEMENTATION OF THE NATIONAL POLICY IN BOTH THE PUBLIC AND PRIVATE SECTORS ; 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. (1) This Act may be cited as the Information and Communication Technology Act, No. 27 of 2003 and shall come into operation on such date as the Minister is in charge of the subject of Information Technology may appoint, by Order published in the Gazette.

Short title and date of operation and duration of Act.

(2) The provisions of this Act shall be in operation for a period of five years from the date on which such Act shall have come into operation.

PART I

NATIONAL POLICY AND ACTION PLAN ON INFORMATION AND COMMUNICATION TECHNOLOGY

2. The Cabinet of Ministers shall from time to time, having regard to the interests of the industry, approve the National Policy Framework in relation to Information and Communication Technology.

National Policy on Information and Communication Technology to be approved by the Cabinet of Ministers.

Appointment of
Task Force on
Information and
Communication
Technology.

3. (1) In order to ensure the proper implementation of the Information and communication Technology Policy formulated under section 2, within Sri Lanka, the Cabinet of Ministers shall appoint a Task Force on Information and Communication Technology (hereinafter referred to as the "Task Force") consisting of not more than twenty members. One of the members so appointed shall be appointed as the Chairman of the Task Force.

(2) The members of the Task Force shall be chosen from among persons who have expertise in the fields of information and communication technology, telecommunications, law, business and finance.

Functions of the
Task Force.

4. The functions of the Task Force shall be—

- (a) to prepare an action plan in accordance with the National Policy on Information and Communication Technology ;
- (b) to co-ordinate the implementation of the National Policy on Information and Communication Technology and the action plan in both the government sector and the private sector and facilitate the implementation of the same ;
- (c) to supervise the implementation of the National Policy on Information and Communication Technology and the action plan and where necessary issue directions from time to time to the implementing agencies ;
- (d) to draw up plans identifying the manner in which Information and Communication Technology can be made popular within Sri Lanka ;
- (e) to identify, develop and cause to be adopted standards of international renown for human resources development, products, services, markets and transactions in their application to the field of Information and Communication Technology ; and
- (f) recommend where necessary the making of regulations to give effect to the provisions of the Act.

PART II

NATIONAL COMMITTEE ON INFORMATION AND COMMUNICATION
TECHNOLOGY

5. (1) There shall be a National Committee on Information and Communication Technology (hereinafter referred to as “the Committee”).

National
Committee on
Information and
Communication
Technology.

(2) The Committee shall consist of—

- (a) the Minister, who shall preside at all meetings of the Committee ;
- (b) The Minister in charge of the subject of Telecommunications ;
- (c) the Minister in charge of the subject of Education ;
- (d) the Minister in charge of the subject of Higher Education ;
- (e) the Minister in charge of the subject of Public Administration ;
- (f) such number of members in respect of each category of stakeholders, as is determined by the Cabinet of Ministers taking into consideration the needs of the Information and Communication Technology industry. Such members shall be appointed by the respective Ministers.

(3) The Committee shall be charged with the task of discussing policies, preparation of programmes and plans for Information and Communication Technology and for periodic review of its implementation.

(4) The Committee shall meet at least once in every four months.

(5) The procedure to be followed at the meetings of the Council shall be as prescribed.

(6) The Committee shall issue guidelines and directions as are necessary for implementation of the National Policy on Information and Communication Technology and the action plan, to the Task Force.

PART III

GENERAL

ESTABLISHMENT OF THE INFORMATION AND COMMUNICATION TECHNOLOGY AGENCY OF SRI LANKA

The information and Communication Technology Agency of Sri Lanka to assist Task Force and Committee.

6. (1) The Information and Communication Technology Agency of Sri Lanka (registered under the Companies Act, No. 17 of 1982) shall be the Executive Agency to assist the Task Force and the Committee.

(2) In addition to the powers and functions of the Agency as set out in the Memorandum and Articles of Association, the Agency shall have the following powers and functions :—

- (a) to provide all information necessary for the formulation of the National Policy on Information and Communication Technology and assist the Cabinet of Ministers and the Committee ;
- (b) to submit proposals to be included in the National Policy and action plan ;
- (c) to take all such steps as are necessary to facilitate the implementation of the National Policy and the action plans as are formulated, and to periodically monitor and review the same ;

- (d) to prepare the strategy and programmes which needs to be implemented in both the government and the private sectors in keeping with the National Policy on Information and Communication Technology and the action plan ;
- (e) to provide all information necessary for the formation of the National Policy on Information Technology ;
- (f) to recommend to the Task Force, matters which need to be taken into consideration in the preparation of the action plan ;
- (g) to submit proposals in respect of matters which needs to be included in the National Policy and action plan ; and
- (h) to prepare the strategies and programmes which need to be implemented in both the government sector and the private sector in keeping with the National Policy on Information and Communication Technology and the action plan.

7. (1) The Minister may from time to time issue to the Agency and other respective government agencies such directions and guidelines on matters of National Policy on Information and Communication Technology and the action plan as have been approved by the Cabinet of Ministers.

Minister to issue directions.

(2) The Minister may from time to time issue to the Task Force such directions and guidelines relating to the manner, mode and extent of implementation, in so far as it is relevant to the implementation of the National Policy on Information and Communication Technology and the action plan, within both the public and the private sectors.

(3) It shall be the duty of the Task Force, the Agency and the relevant Ministries, government departments, statutory bodies, institutions other the agencies of the public and private sector to comply with such directions and guidelines.

Agency to be
exempt from
payment of tax.

8. (1) The Agency shall with the concurrence of the Minister in charge of the subject of Finance, be exempt from the payment of any tax on the income or profits of the Agency to such extent as is permitted in terms of the Inland Revenue Act, No. 38 of 2000.

(2) The Minister with the concurrence of the Minister in charge of the subject of Finance may exempt the Agency from the payment of any customs or excise duty on any goods donated to the Agency or imported or purchased out of its funds by the Agency, if the donation or import or purchase of any such goods is considered to be conducive for the advancement of the objects of the Agency.

(3) Any person making a payment to the agency of services rendered or as a contribution to the general support of the Agency, may claim the amount of such payment as a deduction from income in the year in which such payment is actually made for the purpose of computing liability for income tax.

Regulations.

9. (1) The Minister may make regulations for the purpose of giving effect to the principles and provisions of this Act and in respect of any matter which is required or authorized by this Act to be prescribed.

(2) Subject to the provisions of subsection (1), regulations may be made in respect of all or any of the following matters :—

- (a) Codes of Conduct for the different sectors in so far as they are necessary, within the framework of the National Policy on Information and Communication Technology, for the purpose of the implementation of such policy ;
- (b) the form and content of any action plan to be formulated in terms of the National Policy ;

- (c) the standards of international renown for human resources development, products, services, markets and transactions in their application to the field of Information and Communication Technology ; and
- (d) the functions of the Committee.

(3) Every regulation made under subsection (1) shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(4) Every regulation made under subsection (1) shall as soon as convenient be placed before Parliament for its approval. Any regulation which is not so approved shall be deemed to be disapproved with effect from the date of disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date of disapproval of any regulation shall be published in the Gazette.

10. (1) Part III of the Science and Technology Development Act, No. 11 of 1994, which provided for the establishment of the Council for Information Technology (CINTEC), is hereby repealed.

Repeal.

(2) All property movable and immovable which is owned by the Council for Information Technology (CINTEC) and all assets and liabilities of such Council shall with effect from the date of the coming into operation of this Act, be transferred to the Information and Communication Technology Agency of Sri Lanka which is the Executive Agency, in terms of section 6 of the Act.

(3) Notwithstanding such repeal, the Council for Information Technology (CINTEC) may carry out and conclude all matters being carried out in relation to the functions of the Council as set out in section 14 of the Science and Technology Development Act, No. 11 of 1994, until such matters are completed.

11. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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