

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

Part II of October 07, 2022

SUPPLEMENT

(Issued on 13.10.2022)



**INSTITUTE OF DRAFTING
TECHNOLOGISTS SRI LANKA
(INCORPORATION)**

(Private Members' Bill)

A

BILL

to incorporate the Institute of Drafting Technologists Sri Lanka

*To be presented in Parliament by Hon. Gamini Waleboda, M. P.
for Ratnapura District*

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*Institute of Drafting Technologists
Sri Lanka (Incorporation)*

AN ACT TO INCORPORATE THE INSTITUTE OF DRAFTING
TECHNOLOGISTS SRI LANKA

WHEREAS an Institute called and known as the “Institute of Drafting Technologists Sri Lanka” has heretofore been established for the purpose of administration, control and maintenance of the vocational standards and discipline of the members of the Institute and generally for effectually carrying out its objects and transacting all matters connected with the said Institute according to the rules agreed to by its members:

Preamble

AND WHEREAS the said Institute has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated and it will be for the public advantage to grant the said application:

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 Institute of Drafting Technologists Sri Lanka Act, No. of 2022.

Short title

2. From and after the date of commencement of this Act, such and so many persons as now are the members of the Institute of Drafting Technologists Sri Lanka (hereinafter referred to as the “Institute”) or shall hereafter be admitted as members of the Institute of Drafting Technologists Sri Lanka hereby constituted and incorporated, (so long as they continue to be members) shall be members of and become a body corporate, with perpetual succession under the name and style of the “Institute of Drafting Technologists of Sri Lanka” (hereinafter referred to as “Body Corporate”) and by that name may sue and be sued in all courts and in all manner of actions and suits. The Body Corporate shall have full power and authority to have and use such seal, and alter, break and renew the same from time to time at its discretion, and shall have power to do all other acts and things incidental to or appertaining to a body corporate.

Incorporation
of the
Institute of
Drafting
Technologists
Sri Lanka.

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 Sri Lanka (Incorporation)

3. Subject to the Provisions of this Act and any other General
Written Law, the general objectives for which the Body Objects of
Corporate is constituted are hereby declared to be — the Body
Corporate.

- 5 (a) To promote and foster the advancement of Drafting
Technology including techniques and skills thereof;
- 10 (b) Subject to the Provisions of the Tertiary and
Vocational Education Act (No. 20 of 1990), as
amended (hereinafter referred to as the “TVEC
Act”), to secure uniformity in the vocation of
Drafting Technology, and modify, supervise, advise
and control the Drafting Technology education in
Sri Lanka in consultation with the Tertiary and
Vocational Education Commission established
under the TVEC Act (hereinafter referred to as “the
TVEC”);
- 15 (c) Subject to the Provisions of the TVEC Act conduct
and promote courses in Drafting Technology
provided that the Body Corporate shall not at any
time exceed any authority given to it by the TVEC
to conduct such courses accredited by the TVEC
pertaining to Drafting Technology;
- 20 (d) To promote the study of such branches of law as are
necessary for or relevant to the vocation and
practice of Drafting Technology;
- 25 (e) To promote the acquisition, dissemination and
exchange of knowledge relating to or connected
with Drafting Technology including techniques and
skills thereof by the following but not limited to:-
- 30 (i) Providing a forum for the presentation of papers
and for holding discussion thereon;
- (ii) Establishing and maintaining libraries;

- (iii) Publishing matters of interest to Drafting Technologists and/or the Public benefit;
- 5 (f) Subject to Schedule B of the Act and read with any rules prescribed under Section 6, to conduct or provide for the conduct of, an admission test for enrolment of new members to the Body Corporate and to engage and remunerate resource persons and examiners;
- 10 (g) Subject to the Provisions of the TVEC Act, to award certificates and other distinctions to persons, who have pursued courses of study provided by the Body Corporate with the accreditation of TVEC;
- 15 (h) To hold exhibitions and award medals and/or other prizes for the members of the Body Corporate for outstanding performance and/or achievements;
- 20 (i) To determine the various grades of membership of the Body Corporate and assess the eligibility of candidates for admission to such grades of membership of the Body Corporate in terms of any rules prescribed for either under section 6;
- 25 (j) To regulate general conduct, discipline and the vocational activities of members of the Body Corporate practicing as Drafting Technologists in order to ensure the maintenance of standards of the vocation provided that such standards shall not be inconsistent with any standards as maybe prescribed (if any) by the Construction Industry Development Authority (hereinafter referred to as “the CIDA”;
- 30 (k) To promote and safeguard the interest, welfare, the rights and privileges of members of the Body Corporate practicing as Drafting Technologists in Sri Lanka and of the general public in relation to the vocation of Drafting Technology;

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- (l) To promote co-operation with organizations in or outside Sri Lanka relating to Drafting Technology;
- (m) To communicate with any third party including the State and its Agencies, and represent the interest of the membership on matters relating to the Vocation of Drafting Technology;
- (n) To decide and/or to determine disputes arising from violation of any rules prescribed under section 6 of the Body Corporate pertaining to the general conduct, discipline and the vocational activities of the members of the Body Corporate and to take appropriate action in terms of the said prescribed rules of the Body Corporate;
- (o) To take such other measures, including the establishment and maintenance of data banks as may be necessary for the benefit or advancement of those who practice as Drafting Technologists in Sri Lanka and abroad;
- (p) To determine a scheme of assessment for and conduct of continuous professional development programmes for members;
- (q) To do all such other acts and things as are incidental or conducive to the attainment of the above objects or any of them.
4. Subject to the provisions of this Act and any other written law, the Body Corporate shall have the power to do, perform and execute all such acts and matters as are necessary or desirable for the promotion or furtherance of the objects of the Body Corporate or any one of them, including the power:—
- (a) to open, operate and close bank accounts;

Powers of the
Body
Corporate

- (b) to borrow or raise money with or without security and to receive or collect grants and donations;
- 5 (c) to invest funds of the Body Corporate which are not immediately required for the purpose of the Body Corporate in such manner as the Body Corporate may deem fit;
- 10 (d) to acquire by purchase, gift, bequest, exchange or in any other manner and hold any movable or immovable property and to take or give on lease or mortgage, sell, grant, exchange or otherwise dispose or deal with any such property acquired or held by the Body Corporate as it may deem expedient with a view to promoting the objects of the Body Corporate;
- 15 (e) to make, accept, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments;
- 20 (f) to construct, purchase, maintain and repair anything required for the purpose of the Body Corporate;
- 25 (g) to appoint, employ and dismiss the employees required for the carrying out of the objects of the Body Corporate and pay them such remuneration as may be determined by the Body Corporate and make *ex gratia* payments, gratuity to officers and servants of the Body Corporate upon their retirement and to the widows and orphans of such officers and servants;
- 30 (h) to enter into and perform or carry out, whether directly or through any officer or agent authorised in that behalf by the Body Corporate, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Body Corporate;

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 Sri Lanka (Incorporation)

- (i) to charge fees, subscriptions and contributions in respect of admission of persons to any grade of membership of the Body Corporate and for the renewal of such membership;
- 5 (j) to charge fees, subscriptions and contributions for the courses conducted by the Body Corporate which are accredited by TVEC;
- 10 (k) to appoint any sub- committees, consultative committees or any other committee as and when necessary to carry out any functions of the Body Corporate as may be determined by the Executive Committee;
- 15 (l) to take disciplinary action against members of the Body Corporate for violation of any rules prescribed under section 6 pertaining to the general conduct, discipline and the vocational activities of the members of the Body Corporate;
- 20 (m) to collaborate with, assist, receive assistance from, and develop links with, other persons, agencies and organizations in Sri Lanka or abroad, having objects similar to those of the Body Corporate;
- 25 (n) to publish journals, monographs, books and other material for disseminating information and knowledge relating to or connected with the science of Drafting Technology;
- (o) to utilise the moneys of the Body Corporate to meet all expenditure incurred in carrying out its objects, in remunerating its employees and in the exercise of its powers and duties;
- 30 (p) generally to do all such acts and things authorized by this Act and Rules made thereunder for the achievement of the objects of the Body Corporate.

5. (1) The management, control and administration of the affairs of the Body Corporate shall, subject to the provisions of this Act and the rules of the Body Corporate made under section 6 of this Act, be administered by the Executive Committee.
- (2) (a) The members of the Body Corporate consist of Corporate members, Non-Corporate members and Affiliate members.
- (b) The grading of members of the Body Corporate shall be as specified in Schedule A hereto, and may be amended, added to, replaced or repealed in terms of any rules prescribed under section 6.
- (c) The qualifications of members to be admitted into any of the grades of the Body Corporate shall be as specified in Schedule B hereto, and may be amended, added to, replaced or repealed in terms of any rules prescribed under section 6.
- (d) All persons who were members of the Institute immediately preceding the date of the commencement of this Act and who have obtained a National Vocational Qualification pertaining to the vocation of Drafting Technology as prescribed in Schedule B hereto, shall be and shall be deemed for all purposes to be Corporate members or Non-Corporate members of the same grade, as the case may be, of the Body Corporate, and shall continue so to be, subject to the provisions of this Act and any rules prescribed under section 6.
- (e) All persons who were members of the Institute immediately preceding the date of the commencement of this Act but who have not obtained a National Vocational Qualification pertaining to the vocation of Drafting Technology as prescribed in Schedule B hereto, shall be and shall be deemed for all purposes to be Affiliate members of the same grade, as the case may be, of the Body Corporate, and shall continue so to be, subject to the provisions of this Act and any rules prescribed under section 6.

Management
of the affairs
of the Body
Corporate
and
Membership
of the Body
Corporate

(f) Affiliate members of the Body Corporate who obtain the relevant National Vocational Qualification as prescribed in Schedule B hereto any time after the commencement of this Act, shall on application be re-registered as Corporate members or Non-Corporate members, as the case may be.

(3) (a) The office bearers shall be elected from Corporate members and Affiliate members (excluding Affiliate Associate members and Affiliate Probationer members) who have maintained the membership and have been part of the Executive Committee for the past two years immediately preceding the election of the Executive Committee.

(b) The nominations received for posts of the office bearers of the Executive Committee shall be proposed at the annual general meeting by a sub- committee appointed by the Executive Committee provided that no office bearer of the Executive Committee of the Body Corporate shall hold office for more than three (03) years during any one (01) term.

(c) The Executive Committee shall consist of the following members provided that the Executive Committee shall consist of members not less than thirteen and not more than twenty seven:-

(i) Honorary President, three Honorary Vice-Presidents, Honorary General Secretary, Honorary Assistant Secretary, Honorary Treasurer, and Honorary Assistant Treasurer, all of whom shall be office bearers of the Body Corporate;

(ii) The past Presidents;

(iii) Such other members of the Executive Committee who shall be elected from among Corporate members and Affiliate members (excluding Affiliate Associate members and Affiliate Probationer members) in a manner prescribed by rules under section 6;

- (iv) Three members as observers without voting rights at the Executive Committee who shall be elected from each of the following grades of Non-Corporate members, namely Associate members, Probationer members and Student members.

(4) (a) The Executive Committee of the Institute that holds office on the day immediately preceding the date of commencement of this Act, shall function as the Executive Committee of the Body Corporate until the first Executive Committee is elected in the manner provided for by rules made under section 6.

(b) The first Executive Committee of the Body Corporate shall be elected within one year of the date of commencement of this Act.

15 **6.** (1) It shall be lawful for the Body Corporate from time to time at any general meeting of the Body Corporate and by the majority of not less than two third of the Corporate members and Affiliate members (excluding Affiliate Associate members and Affiliate Probationer members) Rules of the Body Corporate
20 present and voting to make rules not inconsistent with the provisions of this Act or any other written law for the following matters:-

- (a) the grading of the membership and the admission, withdrawal, expulsion or resignation of members and fees payable by members;
- 25
- (b) the election of the office bearers, the resignation from or vacation of or removal from office of office bearers and their powers, conduct and duties;
- (c) the election of members of the Executive Committee and its powers, conduct and duties and the terms of office of members;
- 30
- (d) the powers, conduct, duties and functions of the various officers, agents and servants of the Body Corporate;

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 Sri Lanka (Incorporation)

- 5 (e) the procedure to be observed at the summoning and holding of the annual general meeting, other general meetings, special general meetings and meetings of the Executive Committee of the Body Corporate, the time, place, notice and agenda of such meetings. The quorum and the conduct of business thereat;
- 10 (f) the qualifications and disqualifications of the members of the Executive Committee and the members of the Body Corporate;
- 15 (g) the administration and management of the property of the Body Corporate, the custody of its funds and maintenance and audit of its accounts;
- 20 (h) the standards relating to the general conduct, discipline and the vocational activities of the members of the Body Corporate;
- 25 (i) the procedure of disciplinary inquiries, including the form of complaints, the appointment of disciplinary Committees and the provision of legal assistance thereto, the framing of charges, the furnishing of explanations in reply, the issue of notices, the rights of parties to legal representations, the rules of evidence applicable thereto, the maintenance of the record of the proceedings thereat, and the form and content of the reports of disciplinary Committees;
- 30 (j) the conducting and promotion of courses in Drafting Technology provided that the rules shall always be subject to the authority given to it by the TVEC to conduct such courses accredited by the TVEC pertaining to Drafting Technology and the provisions of the TVEC Act;

(k) all such other matters hereinbefore specifically not mentioned as maybe necessary for carrying out the provisions of this Act or generally for the management of the affairs of the Body Corporate and the accomplishment of its objects and exercise of its powers.

(2) Prior to the election of the first Executive Committee of the Body Corporate under Section 5(5)(b), the Executive Committee of the Institute that holds office on the day immediately preceding the date of commencement of this Act shall make rules under Section 6 of the Act provided that during this limited interim period, the rules of the Institute in force on the day immediately preceding the date of commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act or any other written law, be deemed to be rules made under this section.

(3) Any rule made may be amended, altered, added to or rescinded in the like manner as rules made under subsection (1).

(4) the members of the Body Corporate shall be subject to the rules for the time being of the Body Corporate .

7. Subject to the provisions of this Act, the Body Corporate shall be able and capable in law to acquire and hold property both movable and immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise and all such property shall be held by the Body Corporate for the purposes of the Act and subject to the rules of the Body Corporate made under Section 6, with full power to sell, mortgage, lease, exchange, deal with or otherwise dispose of the same .

8. (1) The Body Corporate shall have its own fund and all monies heretofore received or hereafter received by way of gifts, testamentary dispositions, grants, donations, contributions or fees on behalf of the Body Corporate shall

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 Sri Lanka (Incorporation)

be deposited to the credit of the fund of the Body Corporate in one or more banks as the Executive Committee may determine provided that any foreign grants or awards to be received to the fund shall be channelled and deposited to
5 the credit of the fund of the Body Corporate through the External Resources Department of the General Treasury .

(2) The Body Corporate may establish a depreciation fund or a sinking fund for the purpose of rehabilitation, development or improvement of the Body Corporate.

10 (3) There shall be paid out of the fund all sums of the money to defray any expenditure incurred by the Body Corporate in the exercise, performance and discharge of its powers, duties and functions under this Act.

(4) The financial year of the Body Corporate shall be
15 1st April to 31st March of the following year.

9. All debts and liabilities of the Institute existing on the day preceding the date of commencement of this Act, shall be paid and discharged by the Body Corporate hereby constituted and all debts due to, subscriptions and
20 contributions payable to the Institute on that day shall be paid to the Body Corporate made under and for the purpose of this Act.

Debts due by and payable to the Body Corporate

10. No member of the Body Corporate shall for the purpose of discharging the debts and liabilities of the Body
25 Corporate or for any other purpose, be liable to make any contribution exceeding the amount due from such member as membership fee without his consent.

Limitation of liability of Members

11. (1) The Body Corporate shall cause proper accounts to be kept of its income, expenditure, and all other
30 transactions of the Body Corporate.

Accounts and audits

(2) The accounts of the Body Corporate shall be audited by a Qualified Auditor.

(3) In this section, “Qualified Auditor” means -

- 5 (a) 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 the Executive Committee of such Institute; or
- 10 (b) 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 Executive Committee of such Institute.

15 **12.** The seal of the Body Corporate shall be in the custody of the honorary secretary and shall not be affixed to any instrument whatsoever except with the authority of the Executive Committee previously obtained, and in the presence of two members of the Executive Committee who shall be duly authorized by the Executive Committee and shall sign their names to the instruments in token of their
20 presence and such signing shall be independent of the signing of any person as a witness.

Seal of the
Body
Corporate

25 **13.** (1) Every Fellow member or Affiliate Fellow member of the Body Corporate who is registered as a member of the Body Corporate shall have the right to use the abbreviated designation “FIDT (SL)” after his name to indicate that he is a Fellow member.

Use of titles
and
designations

30 (2) Every General member or Affiliate General member of the Body Corporate who is registered as a member of the Body Corporate shall have the right to use the abbreviated designation “MIDT (SL)” after his name to indicate that he is a member.

(3) Every member who has the right to use the abbreviated designation of “FIDT (SL)” or “MIDT (SL)” in terms of preceding subsections (1) and (2) shall also be entitled to

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 Sri Lanka (Incorporation)

take and use the title “Drafting Technologist” together with any one of the prefixes “Building, Civil, Electrical, Mechanical and MEP” relevant to the practice of the member, as the case maybe and as reflected in the register of the Body
5 Corporate or the CIDA provided that the title cannot be used in the absence of the use of the respective entitled abbreviated designation of such member.

10 **14.** (1) No person shall take or use any title, description or abbreviation referred to in section 13 and which under that section only a member enrolled in any grade or the class as specified in section 13 may take or use, unless such person is for the time being enrolled as a member in that grade or Class as the case may be. Restriction as to use of titles

15 (2) Any person who contravenes the provisions of the preceding subsection shall—

- (a) be guilty of an offence under this Act; and
- (b) not be entitled to institute, or maintain, after the expiration of one year from coming into force of this section, any action in a court of law for the recovery of any fees for services rendered by him as
20 a Drafting Technologist.

25 **15.** (1) For the purposes of this Act, a person shall be deemed to be considered as a Drafting Technologist, if, in consideration or remuneration received or to be received whether by himself or in partnership with any other person he— The meaning of Drafting Technologist and Drafting Technology

- (a) engages himself in the preparation of Building, Civil, Electrical, Mechanical and MEP drawings;
- (b) is in the latest register which is to be published by
30 the Body Corporate or the CIDA from time to time, provided that in the case of the CIDA, he is rendering a service-constituting practice as a Drafting Technologist as may be prescribed by the CIDA.

- (c) Renders any other service, which may be prescribed by the CIDA to be a service-constituting practice as a Drafting Technologist.

5 (2) For the purposes of this Act, subject to the Grading and Classification of Membership provided under this Act and any Rules made hereunder, where appropriate such as in the conduct of Courses, Accreditation, Registration etc, Drafting Technology shall also mean to include the practice of a Draughtsman / Draughtsperson recognised under any
10 other law.

16. (1) Every person who neglects or fails to comply with any provisions of section 14 of this Act shall be guilty of an offence under this Act and on conviction after trial before the Magistrate Court, be liable to imprisonment of
15 either description for a period not exceeding six months or to a fine not exceeding fifty thousand rupees or to both such imprisonment and fine.

Offences

(2) Where an offence under this Act is committed by a body of persons, then –

- 20 (a) If that body of persons is a body corporate, every member and office of that body corporate, or
(b) If that body of persons is a firm, every partner of that firm, shall be guilty of that offence:

25 Provided, however, that a member or an officer of that body corporate or a partner of such firm shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

30 17. Subject to the Provisions of Section 9, the initial capital of the Body Corporate under and for the purpose of this Act shall be the capital reserve of the Institute existing on the day preceding the date of commencement of this Act, Finance, contracts, agreements, assets and property

and all contracts, agreements, assets and property of the Institute existing on the day preceding the date of commencement of this Act shall be deemed to be contracts, agreements, assets and property of the Body Corporate under
5 and for the purpose of this Act.

18. If upon the dissolution of the Body Corporate, there remains any property whatsoever, after the satisfaction of all debts and liabilities, such property shall not be distributed among the members of the Body Corporate, but shall be
10 given or transferred to some other institution or institutions having objects similar to those of the Body Corporate and which is or are by its rules prohibited from distributing any income or property among its or their members. Such institution or institutions may be determined by the members
15 of the Body Corporate on or before the dissolution of the Body Corporate.

Property
Remaining
on
dissolution

19. Nothing contain in this Act shall prejudice or affect the rights of the Republic and any body politic or corporate of any other persons except such as are mentioned in this
20 Act, and those claiming by from or under them.

Saving of the
right of the
Republic and
others

20. 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

SCHEDULES

SCHEDULE A

The grading of Corporate members, Non-Corporate members and Affiliate members of the Body Corporate shall be as follows—

- (a) a Corporate member of the Body Corporate shall be graded as a Fellow member or a General member; and
- (b) an Affiliate member of the Body Corporate shall be graded as an Affiliate Fellow member or a Affiliate General member or an Affiliate Associate member or an Affiliate Probationer member; and
- (c) a Non-Corporate member of the Body Corporate shall be graded as an Associate member or a Probationer member or a Student member.

SCHEDULE B

(1) A person shall be eligible to be enrolled as a Fellow member if he possesses the National Vocational Qualification level 5 – Drafting Technology and has continuously served in the Executive Committee for 6 years.

(2) A person shall be eligible to be enrolled as a General member if he possesses the National Vocational Qualification level 5 – Drafting Technology.

(3) A person shall be eligible to be enrolled as an Associate member if he possesses National Vocational Qualification level 4 – Draughtsperson.

(4) A person shall be eligible to be enrolled as an Probationer member if he possesses National Vocational Qualification level 3 – Draughtsperson.

(5) A person shall be eligible to be enrolled as a Student member if he possesses a National Vocational Qualification level 2 or below.

