

# RESOLUTIONS

## RESOLUTIONS PROPOSED BY THE COUNCIL

### Resolution 1:

#### Background:

The intention of the By-law 48.a is to state that a member who has served for more than 3 sessions as a sectional committee chairman is entitled to contest for Vice Presidency provided that he/ she has served a minimum of one year as a ‘fellow’ during his/her tenure of the office as a sectional committee chairman. As the term of the office is written as ‘session’ but not as ‘full session’ (the term ‘full session’ is used in most of the by-laws), a member who has served for 3 years as a Chairman of a Sectional Committee may submit his/her nomination even without serving one full session as a fellow. This would create a pathway to become a VICE PRESIDENT even if he/ she obtains the fellow membership, just one day before the nomination date provided that he/she has completed three full session as a sectional committee chairman.

The Council therefore suggests that,

This House resolves that the existing By-law 1 as given below be amended by adding an extra clause to define the term “session” as indicated.

Existing By-law	Proposed By-law
<p>1. In these By-laws, if not inconsistent with the context :</p> <p>i. “The Institution” means the Institution of Engineers, Sri Lanka, incorporated by Act No. 17 of 1968, established as the “Institute of Engineers, Ceylon” in 1956 as successor to the Engineering Association of Ceylon founded in 1906.</p> <p>ii. “The Council” means the Council of the Institution.</p> <p>iii. “Engineering” means all or any of those branches of Engineering science and practice, the advancement of which is recognised by Council, as being within the objects of the Institution as set forth in the Act.</p> <p>iv. “Engineer” means an individual who is engaged in the practice of ‘Engineering’.</p> <p>v. “Secretary” means the Executive Secretary</p>	<p>1. In these By-laws, if not inconsistent with the context :</p> <p>i. “The Institution” means the Institution of Engineers, Sri Lanka, incorporated by Act No. 17 of 1968, established as the “Institute of Engineers, Ceylon” in 1956 as successor to the Engineering Association of Ceylon founded in 1906.</p> <p>ii. “The Council” means the Council of the Institution.</p> <p>iii. “Engineering” means all or any of those branches of Engineering science and practice, the advancement of which is recognised by Council, as being within the objects of the Institution as set forth in the Act.</p> <p>iv. “Engineer” means an individual who is engaged in the practice of ‘Engineering’.</p> <p>v. “Secretary” means the Executive Secretary and includes any duly authorised deputy or</p>

<p>and includes any duly authorised deputy or assistant or any person appointed temporarily by the Council to perform the duties of the Secretary.</p> <p>vi. "Month" means calendar month.</p> <p>vii. "Regulations" means procedures to be followed as formulated by the Council and approved by the Corporate Membership.</p> <p>viii. "Rules" means procedures to be followed as decided by Council.</p> <p>ix. "Prescribed" means prescribed by Regulations, Rules or decisions of the Council.</p> <p>x. "House" means all Corporate Members present at an Annual General Meeting or a Special General Meeting convened in accordance with the By-laws.</p> <p>xi. Words importing the masculine gender include the feminine gender.</p> <p>xii. Words in the singular shall include the plural, and words in the plural, shall include the singular.</p>	<p>assistant or any person appointed temporarily by the Council to perform the duties of the Secretary.</p> <p>vi. "Month" means calendar month.</p> <p>vii. "Regulations" means procedures to be followed as formulated by the Council and approved by the Corporate Membership.</p> <p>viii. "Rules" means procedures to be followed as decided by Council.</p> <p>ix. "Prescribed" means prescribed by Regulations, Rules or decisions of the Council.</p> <p>x. "House" means all Corporate Members present at an Annual General Meeting or a Special General Meeting convened in accordance with the By-laws.</p> <p>xi. Words importing the masculine gender include the feminine gender.</p> <p>xii. Words in the singular shall include the plural, and words in the plural, shall include the singular.</p> <p>xiii. When the duration of a session is in question, both terms 'session' and 'full session' shall imply the same period which is the duration between two consecutive AGMs of the Institution.</p>
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## **RESOLUTIONS PROPOSED BY MEMBERS**

### **Resolution 1:**

Proposer : Eng. Dr. C. D. Gamage (M-5744)

Secunder : Eng. Dr. M. S. D. Fernando (M-4496)

Resolution to amend the By-law 48 (a) on election of Vice Presidents.

### **Background to the Resolution**

The current By-law 48 (a) has two defects:

- (1) **Ambiguity:** The By-law states that a corporate member who “has served as a Chairman of a Sectional Committee for 3 sessions of which at least one session as a Fellow” is eligible for election. As the By-law is not explicit as to if this is a full session, a member who has been a Fellow for just one day even is eligible for election thus completely obviating the purpose of requiring to have been on the Roll as a Fellow of the Institution.
- (2) **Inconsistency:** In the first part, the By-law states that corporate members shall “have been on the Roll as Fellows for more than five (05) years” AND “served in Council at least for two (02) sessions” to be eligible for election.

In the second part, the By-law states that corporate members who have served in Council as a Chairman of a Sectional Committee for three (03) sessions is eligible to be candidates provided they have been on the Roll as Fellows for just one (01) year. Therefore, prima facie, one (01) year as a Chairman of a Sectional Committee has been equated to two (02) years on the Roll as a Fellow (in the best case) or as not requiring to be on the Roll as a Fellow at all (in the worst case when the above noted ambiguity is exploited).

### Resolution

This House resolves that the existing By-law 48 (a) as given below be amended to read as indicated.

Existing By-law	Proposed By-law
<p>48. a. The Vice Presidents shall be elected by the Corporate Membership from among the Class of Fellows who have been on the Roll as Fellows for more than five (05) years by the time of taking over office as Vice President and served in Council at least for two (02) sessions by the time of taking over office as Vice President OR has served as a Chairman of a Sectional Committee for 3 sessions of which at least one session as a Fellow by the time of taking over office as Vice President. They will hold office for one session provided they have not held this office for five consecutive sessions immediately preceding such appointment.</p>	<p>48. a. The Vice Presidents shall be elected by the Corporate Membership from among the Class of Fellows who have been on the Roll as Fellows for more than five (05) years by the time of taking over office as Vice President and served in Council at least for two (02) full sessions by the time of taking over office as Vice President. They will hold office for one session provided they have not held this office for five consecutive sessions immediately preceding such appointment.</p>

### Observations of the By-laws Revision Committee:

Committee recommends that the resolution submitted is technically correct and properly formulated. Committee is also of the opinion that said resolution is intending to remove one existing path available to become a Vice President.

### Comments of the Council:

The Council is in agreement with the recommendations of the By-laws Revision Committee.

## Resolution 2:

**Proposer- Eng. Manjula Samarasinghe (M-6340)**

**Secunder- Eng. Prasad Siriwardhana (M-5283)**

Resolution to Change the Number of Members' Representatives of the Categories of above 40 & below 40 years from Ten (10) to Twelve (12)

### **Background to the Resolution**

According to the By-law 44, elected office bearers with following compositions are representing the Council each year.

i. The President
ii. Two Past-Presidents
iii. President - Elect
iv. Three Vice-Presidents
v. Honorary Secretary
vi. Honorary Treasurer
vii. Chairmen of Sectional Committees as per By-Law 98
viii. Six Fellows
Ten Members of whom FIVE shall be under 40 years of age at the time of closing of nominations for the election.

1. Every other terms of the council, either two (02) or three (03) representatives only from above 40 and below 40 categories are elected
2. This leads for unfairness for Candidates due to a less opportunity in every other year at the Council election.
3. Contesting for Council under these two categories seems increasing each year compared to all other categories

No	Category	Number of Candidates at the Election			
		2015/16	2016/17	2017/18	2018/19
01	Above 40 years	06	11	7	08
02	Below 40 years	03	03	9	07

4. The compositions of elected office bearers at the council has not increased over the past fifteen (15) years even though the number of corporate membership is on the rise.
5. The above 40 years of age corporate members (except Fellows) representing about 65 % of the total while below 40 representing about 30 % from the membership to date.
6. Therefore, increasing one (01) member from each (above 40 & below 40) will certainly cater at least a certain amount of the demand and will ensure a fair & equal opportunities to all candidate at an election in each year.

### **Resolution**

This House resolves that the existing By-law 44 be amended.

This House resolves that the existing By-law 44 as given below be amended to read as indicated.

Existing By-law	Proposed By-law
44. The Council shall consist of the following members:	44. The Council shall consist of the following members:

i. The President	i. The President
ii. Two Past-Presidents	ii. Two Past-Presidents
iii. President - Elect	iii. President - Elect
iv. Three Vice-Presidents	iv. Three Vice-Presidents
v. Honorary Secretary	v. Honorary Secretary
vi. Honorary Treasurer	vi. Honorary Treasurer
vii. Chairmen of Sectional Committees as per By-Law 98	vii. Chairmen of Sectional Committees as per By-Law 98
viii. Six Fellows	viii. Six Fellows
ix. Ten Members of whom FIVE shall be under 40 years of age at the time of closing of nominations for the election.	ix. Twelve (12) Members of whom Six (06) shall be under 40 years of age at the time of closing of nominations for the election.

**Observations of the By-laws Revision Committee:**

Committee is of the opinion that, the proposed By-law revision will affect By-law 50 and therefore recommends not to proceed with the proposed resolution.

**Comments of the Council:**

The Council is in agreement with the recommendations of the By-laws Revision Committee.

**Resolution 3:**

**Proposer: Eng. W M U P Kumara (M 5474)**

**Seconder: Eng. H C J Thilakarathne (M-6003)**

Legal actions against the Council

**Introduction**

There had been many legal actions against the Council in the recent past. These actions have caused a substantial cost to the IESL and at the same time IESL found it difficult to defend the position of the IESL because some of the persons who have instigated legal actions against the Council are its members. The information that should not be passed to the opposing party leaks out from the IESL as some Council members have become the petitioner as well as the respondent, being members of the Council while they are remaining as litigants against the Council.

**Resolution**

The House resolves that if a sitting member files any litigation and/or gives evidence against the Council in a case where the Council is the opposing party (petitioner or the respondent as the case may be), such Council members shall be suspended from sitting in Council meeting or any other committee meeting conducted by IESL until such litigation is concluded.

**Comments of the Council:**

The Council seeks legal advice to check whether this resolution violates the Law of the Country.

**Resolution 4:**

**Proposer: Eng. (Ms.) Shayama H Gunawardena (F904)**

**Seconder: Eng. (Ms.) Lilani D Ruhunage (M-5563)**

Resolution to encourage female participation in the IESL Council

**Preamble**

The number of Women Engineers in the Institution of Engineers, Sri Lanka (IESL) has reached fifteen percent of its total membership, and the percentage of female corporate members is currently 13.45%. The IESL Council is the body that makes decisions on matters related to the profession, subject to the By-laws and Resolutions of General Meetings. It cannot be denied that the input from the entire cross section of the Corporate members is important in the decision making process for the profession, in order for the profession to develop and achieve the objectives of the IESL. Even though the female engineers do voluntarily participate actively in IESL Section committees and Standing Committees, it is obvious that women's representation in the IESL Council is difficult to be sustained. Except for the Immediate Past President, there has been no any woman engineering the Council in the current and last session. In the 2019/2020 session, there will be again only ONE female engineer in the Council having 32 members and the President. It is also noteworthy that most Provincial Chapters and District Centers have a fair representation female engineers among the Office Bearers and Committee members.

The world has recognized that females bring something to a team to improve the decisions made. Quoting the American Scientist Dr. Louann Brezandine, herself is a neuro-psychiatrist, in her book called "The Female Brain", male and female brains are wired very differently. Girls being emotional, sensitive, hyper vigilant, - qualities considered as weaknesses, is actually not a bad thing. Stereotypical female characteristics are actually strengths. Nurturing, tenacious, passionate, supportive and resilient- not so bad, female brains can be so complicated. We are hardwired to identify danger. "The IESL should capitalize on this major advantage that is available to it, by encouraging women's participation in the Council, where the major decisions are taken for the development of the profession.

**Resolution**

This House resolves that a concerted effort must be made to encourage female participation in the IESL Council. The details of procedures to be adopted should be developed by the IESL Council for the session 2019/2020 and brought for ratification at the 2020 Annual General meeting.

**Comments of the Council:**

Without clearly defining the scope, giving timeframe to the Council is not acceptable.