

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

(DR.) MALANI FONSEKA FOUNDATION

(INCORPORATION) ACT, No. 18 OF 2012

[Certified on 06th August, 2012]

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(Dr.) Malani Fonseka Foundation (Incorporation) 1

Act, No. 18 of 2012

[Certified on 06th August, 2012]

L.D.—O. Inc. 22/2011.

ANACT TO INCORPORATE THE (DR.) MALANI FONSEKA FOUNDATION

WHEREAS an Association called and known as the Preamble.

“Dr. Malani Fonseka Foundation” has heretofore been

established in Sri Lanka for the purpose of effectually carrying

out its objects and transacting all matters connected with the

said Foundation according to the rules agreed to by its

members :

AND WHEREAS the said Foundation has heretofore

successfully carried out and transacted the several objects

and matters for which it was formed 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 by cited as the (Dr.) Malani Fonseka Short title.

Foundation (Incorporation) Act, No. 18 2012.

2. From and after the date of commencement of this Incorporation

of the

Act, such and so many persons as now are members of the

(Dr.) Malani

“(Dr.) Malani Fonseka Foundation” (hereinafter referred to Fonseka

as the “Foundation”) or shall hereafter be admitted as Foundation.

members of the Corporation hereby constituted, shall be a

body corporate with perpetual succession, under the name

and style of the “(Dr.) Malani Fonseka Foundation”

(hereinafter referred to as “the Corporation”), and by that

name may sue and be sued with full power and authority to

have, and use a common seal and to alter the same at its

pleasure.

2—PL 006058 -3,090 (05/2011)

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The general 3. (1) The general objects for which the Corporation is

objects of the

constituted are hereby declared to be—

Corporation.

(a) to foster and preserve aesthetic, performance and

traditional arts and crafts of Sri Lanka and to

promote such arts and crafts both nationally and

internationally ;

(b) to formulate and implement suitable projects to

improve the social, academic and economic

standards of the Sri Lankan Artists and those who

are involved in the promotion of Sri Lankan arts

and crafts ;

(c) to formulate and implement suitable projects for

the welfare of senior citizens, women and children

of Sri Lanka;

(d) to grant scholarships and bursaries to needy and

deserving students of Sri Lanka particularly to

facilitate them to engage in higher education ;

(e) to formulate and implement appropriate

programmes to teach Tamil language to Sinhala

students and Sinhala language to Tamil students ;

(f) to formulate and implement appropriate

programmes to improve the English lauguage skills

of the Sri Lankan students ;

(g) to establish and maintain Information Technology

Centers particularly in the rural and under

developed areas with a view to improving computer

literacy of rural students ;

(h) to assist those who are engaged in agriculture and

fisheries industries by providing them with latest

technological information and other necessary

assistance ;

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(i) to formulate and implement poverty alleviation

programmes for the overall welfare and development

of the poor ;

(j) to sponsor and promote sports among the children

and youth according to their talents and interests ;

(k) to organize awareness programmes on concepts such

as fundamental rights, fundamental duties,

democracy and good governance with a view to

promoting such concepts among the Sri Lankans ;

and

(l) to liaise and co-ordinate with other local and foreign

institutions having similar objects to that of the

corporation.

(2) The Corporation shall ensure that the implementation

of the objects of the Corporation shall be carried out without

any distinction based on race, religion, language, caste, sex

or political opinion.

4. Subject to the provisions of this Act and any other Powers of the

written law, the Corporation shall have the power to do, Corporation.

perform and execute all such acts and matters as are necessary

or desirable for the promotion or furtherance of the objects

of the Corporation or any one of them, including the power—

(a) to purchase, acquire, rent, construct, renovate and

otherwise obtain lands or buildings which may be

required for the purposes of the Corporation ;

(b) to borrow or raise funds with or without securities

and to receive grants, gifts of donation in cash or

kind :

Provided that, the Board shall obtain prior written

approval of the Department of External Resources

of the Ministry of the Minister to whom the subject

of Finance is assigned, in respect of all foreign

grants, gifts or donations and it shall be audited by

the Auditor General ;

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(c) to make, draw, accept, discount, endorse, negotiate,

buy, sell and issue bills of exchange, cheques,

promissory notes and other negotiable instruments

and to open, operate, maintain and close accounts

in any bank ;

(d) to enter into contracts partnerships or agreements

with any Governmental or non Governmental

organizations or any other person or institution

whether in Sri lanka or abroad ;

(e) to invest any funds that are not immediately required

for the purposes of the Corporation, in such manner

as the Executive Committee may determine ;

(f) to appoint, employ, dismiss or terminate the services

of officers and servants of the Corporation and

exercise disciplinary control over them and to pay

them such salaries, allowances and gratuities as may

be determined by the Corporation;

(g) to train personnel in Sri lanka or abroad for the

purposes of the Corporation ; and

(h) to do all other things as are necessary or expedient

for the proper and effective carrying out of the

objects of the Corporation.

Management of 5. (1) The management and administration of the affairs

the Affairs of the of the Corporation shall subject to the provisions of this Act

Corporation.

be administered by an Executive Committee consisting of

such number of office bearers elected in the manner as may

be provided by the rules of the Corporation made under

section 6.

(2) One of the office bearers of the Executive Committee

shall be an officer not below the rank of Assistant Secretary

of the Ministry of the Minister to whom the subject of Social

Services is assigned and appointed by such Minister.

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(3) The first Executive Committee of the Corporation

shall be the Executive Committee of the Foundation who

hold office on the day immediately preceding the date of

commencement of this Act.

(4) No office bearer of the Executive Committee,

including the patrons, shall hold office for more than three

consecutive years in the same post.

6. (1) It shall be lawful for the Corporation, from time Rules of the

to time, at any general meeting of the Corporation and by a Corporatiaon.

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 any other written law, for all or any

of the following matters :—

(a) the classification of membership, admission,

withdrawal, explusion or resignation of members and

fees payable by the members ;

(b) the qualifications and disqualifications for members

of the Executive Committee and the Corporation ;

(c) the election of office bearers of the Executive

Committee or vacation of or removal from office and

the powers, duties and functions of the office bearers;

(d) the appoinment, powers, functions and duties and

the terms and conditions of the various officers,

agents and servants of the Corporation ;

(e) the procedure to be followed for the summoning and

holding of meetings of the Executive Committee,

the Corporation or any sub-committee thereof, filling

of vacancies, notices and agenda of such meetings,

the quorum and the conduct of business thereat ; and

(f) the administration and management of the property

of the Corporation for the accomplishment of the

objects of the Corporation.

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(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) of this section.

(3) The members of the Corporation shall at all times be

subject to the rules of the Corporation made under this

section.

Fund of the 7. (1) The Corporation shall have its own fund.

Corporation.

(2) All moneys received by way of gifts, bequest,

donation, subscription, contribution, fees or grant for and

on account of the Corporation shall be deposited in one or

more banks approved by the Executive Committee to the

credit of the Corporation.

(3) There shall be paid out of the fund, all sums of money

as are required to defray any expenditure incurred by the

Corporation in the exercise, performance and discharge of

its powers, duties and functions under the Act.

Accounts and 8. (1) The financial year of the Corporation shall be

Auditing.

the calendar year.

(2) The Corporation shall cause proper accounts to be

kept of its income and expenditure, assets and liabilities

and all other transactions of the Corporation.

(3) The accounts of the corporation shall be audited

annually by a qualiafied auditor appointed by the Executive

Committee.

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

(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 councile of such

Institute; or

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(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 council of such Institute.

9. All debts and liabilities of the Foundation existing Debts due by

on the day immediately preceding the date of commencement and payable to

the Foundation.

of this Act, shall be paid by the Corporation hereby

constituted and all debts due to and subscriptions and

contributions payable to the Foundation on that day shall

be paid to the Corporation for the purposes of this Act.

10. Subject to the provisions of this Act, the Corporation

Corporation shall be able and capable in law to take and may hold

property

hold any property, movable or immovable, which may

movable and

become vested in it by virtue of any purchase, grant, gift immovable.

testamentary disposition or otherwise, and all such property

shall be held by the Corporation for the purpose of this Act

and subject to the rules of the Corporation made under

section 6 with power to sell, mortgage, lease exchange or

otherwise dispose of the same.

11. No member of the Corporation shall, for the purpose Limitation of

of discharging the debts and liabilities of the Corporation, liabilities of

members.

or for any other purpose, be liable to make any contribution

exceeding the amount of such membership fees as may be

due from time to time to the Corporation.

12. The Corporation shall be a non-profit organization Corporation to

and no part of the gains, profits or dividends, if any, of the be a non-Profit

Organization.

Corporation shall be distributed among the members of the

Corporation.

13. (a) If upon the dissolution of the Corporation there Property

remains after the satisfaction of all its debts and liabilities, remaining on

dissolution.

any money or property whatsoever, such money or property

shall not be distributed among the members of the

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Corporation, but shall be given or transferred to some other

institution or institutions, having objects similar to those of

the Corporation and which is or are by the rules thereof,

prohibited from distributing any income or property among

its members.

(b) For the purposes of paragraph (a) the appropriate

institution or institutions shall be determined by the members

of the Corporation immediately before the dissolution.

Seal of the 14. The seal of the Corporation shall not be affixed to

Corporatiaon. any instrument whatsoever, except in the presence of two

members of Executive Committee of the Corporation, who

shall sign their names to the instrument in token of their

presence and such signing shall be independent of the

signing of any person as a witness.

Saving of the 15. Nothing in this Act contained shall prejudice or

Rights of the affect the rights of the Republic or of anybody politic or

Republic and

others. corporate.

Sinhala text to 16. In the event of any inconsistency between the

prevail in case Sinhala and Tamil texts of this Act, the Sinhala text shall

of inconsistency.

prevail.

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