

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

VICTOR ANTONY EDUCATIONAL, SOCIAL,

ECONOMIC SERVICES AND CHARITY

FOUNDATION (INCORPORATION)

ACT, No. 21 OF 2014

[Certified on 17th June, 2014]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic

Socialist Republic of Sri Lanka of June 20, 2014

PRINTEDATTHE DEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TO BEPURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 15.00 Postage : Rs. 10.00

Victor Antony Educational, Social, Economic 1

Services and Charity Foundation (Incorporation)

Act, No. 21 of 2014

[Certified on 17th June, 2014]

L.D.—O. (Inc.) 31/2012.

AN ACT TO INCORPORATE THE VICTOR ANTONY EDUCATIONAL,

SOCIAL, ECONOMIC SERVICES AND CHARITY FOUNDATION

WHEREAS a Foundation called and known as the "Victor Preamble.

Antony Educational, Social, Economic Services and Charity

Foundation" has heretofore been formed 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 expedient 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 Victor Antony Short title

Educational, Social, Economic Services and Charity

Foundation (Incorporation) Act, No. 21 of 2014.

2. (1) From and after the date of commencement of this Incorporation of

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

“Victor Antony Educational, Social, Economic Services Antony

Educational,

and Charity Foundation” (hereinafter referred to as the

Social,

"Foundation") and shall hereafter be admitted as members Economic

of the Corporation hereby constituted, shall be a body Services and

corporate with perpetual succession, under the name and Charity

style of the "Victor Antony Educational, Social, Economic Foundation.

Services and Charity 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.

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(2) The Corporation shall be deemed to be a voluntary

social service organization within the meaning, and for the

purpose of the Voluntary Social Service Organizations

(Registration and Supervision) Act, No. 31 of 1980 and the

provisions of that Act shall apply to and in relation to the

management of the affairs of the Corporation.

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

of the constituted are hereby declared to be—

Corporation.

(a) to provide medical aid and food to the poor, the

destitute and the sick;

(b) to support and encourage senior citizens movements

in order to enhance the services provided by them;

(c) to assist the development of religious places of all

religions;

(d) to establish and maintain pre-school for the

development of early childhood of needy children;

(e) to assist the relevant authorities with the consent of

such authorities;

(i) in designing and implementing social

mobilization programmes and educational

and training programmes for the

development of the children and women;

(ii) to conduct self-employment oriented

vocational training programmes on different

subjects including engineering, technology,

carpentry, driving and computer technology

for the benefit of the youth from the families

of low income level; and

(iii) to organize and conduct extra classes,

seminars, workshops, lectures, exhibitions

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and educational tours with the view of

promoting education of needy school

children;

(f) to make awareness among the employees of small

and medium scale industries to organize and work

towards their future advancement;

(g) to assist needy students by way of offering

scholarships;

(h) to grant scholarships to any employee of any

institution assisting the furtherance of the objects

of the Corporation;

(i) to promote understanding, co-operation and

friendship with organizations and institutions

having objects similar to the objects of the

Corporation; and

(j) to identify children of school going age who do

not go to school for various reasons and to assist in

directing them towards schools and to support their

education through providing social and economic

assistance.

(2) In the implementation of the objects specified in

subsection (1) the Board shall ensure that such

implementation shall be carried out without any distinction

based on race, religion, caste, sex, political opinion, place

of birth or any of such grounds.

4. The objects of the Corporation shall be carried out in Corporation to

such manner so as not to create any conflict between the ensure no

conflict with

work of the Corporation and any work being carried out work of

simultaneously by any Minister or Department of the Ministry or

Government or of any Provincial Council. Department of

the central

Government or

Province.

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Management of 5. (1) Subject to the provisions of this Act the

the affairs of the management and administration of the affairs of the

Corporation.

Corporation shall be carried out by a Board of Directors

(hereinafter referred to as “the Board”) consisting of such

number of office bearers as may be specified by the rules

made under section 7.

(2) (a) The Board of Directors of the foundation that holds

office on the day immediately preceding the date of

commencement of this Act, shall function as the Board of

the Corporation until the first Board is appointed or elected

in the manner provided for by rules made under section 7.

(b) The first Board of the Corporation shall be appointed

or elected within one year of the date of commencement of

this Act.

(3) (a) Every office bearer of the Board including

the patrons and advisors, shall be appointed or elected for a

period of three years and any such office bearer, patron or

advisor shall be eligible for re-appointment or re-election

after lapse of the said period of three years.

(b) In the event of a vacancy occurring due to the death,

resignation, incapacity or removal from office of an office

bearer, the Board shall having regard to the rules of the

Corporation, elect or appoint a person to fill such vacancy.

(c) The person elected or appointed under paragraph (b)

shall hold office only for the unexpired portion of the term

of office of the member whom he succeeds.

Powers of the 6. Subject to the provisions of this Act and any other

Corporation. written law, the Corporation 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 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

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required for the pruposes of the Corporation and to

deal with or dispose of the same as may be deemed

expedient with a view to promoting the objects of

the Corporation;

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

and to receive grants, gifts or donations in cash or

kind:

Provided that, the Board shall obtain the prior

written approval of the Department of External

Resources of the Ministry of the Minister assigned

the subject of Finance, in respect of all foreign

grants, gifts or donations made to the Corporation;

(c) 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 invest any funds that are not immediately required

for the purposes of the Corporation, in such manner

as the Board may determine;

(e) to undertake, accept, execute, perform and

administer any lawful turst or any real or personal

property with a view to promoting the objects of the

Corproation;

(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 organize lectures, seminars and conferences with

a view to promoting the objectives of the

Corporation;

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

institutions having similar objects to that of the

Corporation;

(i) to train personnel in Sri Lanka or abroad for the

purposes of the Corporation; and

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

for the proper and effective carrying out of the

objects of the Corporation.

Rules of the 7. (1) It shall be lawful for the Corporation, from time to

Corporation.

time, at any general meeting of the Corporation any by a

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, expulsion or resignation of members

and fees payable by the members;

(b) the election of office bearers of the Board or

vacation of or removal from office of office bearers

and the powers, duties and functions of the office

bearers;

(c) the terms and conditions of appointment, powers

functions and duties of the various officers, agents

and servants of the Corporation;

(d) the procedure to be followed for the summoning

and holding of meetings of the Board or any sub-

committee thereof, notices and agenda of such

meetings, the quorum and the conduct of business

thereat;

(e) the qualifications and disqualifications to be a

member of the Board and the Corporation;

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(f) the administration and management of the property

of the Corporation; and

(g) generally the management of the affairs of the

Corpration and the accomplishment of its’ objects

and dissolution of the Corporation.

(2) Any rules 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 rules made under subsection (1) shall be

published in the Gazette.

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

subject to the rules of the Corporation.

8. The Board shall maintain a register of members in Register of

which name, address and other essential details of the members.

members shall be inscribed.

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

Corporation

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

donation, subscription, contribution, fees or grants for and

on account of the Corporation shall be deposited in one

or more banks approved by the Board 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.

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

the calendar year. Auditing.

(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.

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(3) The accounts of the Corporation shall be audited

annually by the Auditor General or a qualified auditor

appointed by Auditor General in terms of Article 154 of the

Constitution.

(4) For the purposes of 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 Council of such Institute; or

(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.

Annual Report. 11. (1) The Board shall prepare a report of the activities

of the Corporation for each financial year and submit such

report together with the audited statement of accounts to the

Secretary of the Ministry of the Minister assigned the subject

of Social Services and to the Registrar of Voluntary Social

Services Organizations appointed under the Voluntary Social

Services Organization (Registration and Supervision) Act,

No. 31 of 1980 before the expiration of six months of the

year succeeding the year to which such report relates.

(2) A separate account relating to the foreign and

local moneys received by the Corporation during the

financial year shall be attached to the report referred to in

subsection (1).

Debts due by 12. All debts and liabilities of the Foundation existing

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

the Foundation.

of this Act, shall be paid by the Corporation hereby

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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 purpose of this Act.

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

shall be able and capable in law to take and hold any property, may hold

property

movable or immovable, which may become vested in it by

movable and

virtue of any purchase, grant, gift, testementary disposition immovable.

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 7, with power

to sell, mortgage, lease, exchange or otherwise dispose of,

the same.

14. The moneys and property of the Corporaton however Application of

derived shall be applied solely towards the promotion of the moneys and

property.

objects of the Corporation and no portion thereof shall be

paid or transferred directly or indirectly by way of dividend,

bonus or profit to the members of the Corporation.

15. (1) The Seal of the Corporation shall not be affixed Seal of the

to any instrument whatsoever, except in the presence of two Corporation.

members of the Board 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.

(2) The seal of the Corporation shall be in the custody of

an office bearer of the Board as may be decided by such

Board.

16. (1) If upon the dissolution of the Corporation there Property

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

dissolution.

any property whatsoever, such property shall not be

distributed among the members of the Corporation, but shall

be given or transferred to any other institution having objects

similar to those of the Corporation, and which is by the rules

thereof, prohibited from distributing any income or property

among its members.

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(2) For the purposes of subsection (1) the appropriate

institution shall be determined by the members of

the Corporation immediately before the dissolution at

a general meeting by the majority of votes of the

members present.

Saving of the 17. Nothing in this Act contained shall prejudice or

Rights of the

affect the rights of the Republic or of any body politic or

Republic and

others. corporate.

Sinhala text to 18. In the event of any inconsistency between the

prevail in case

of inconsistency. Sinhala and Tamil texts of this Act, the Sinhala text shall

prevail.

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Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180

(Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF

GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

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