

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

Part II of September 18, 2015

SUPPLEMENT

(Issued on 21. 09. 2015)



**ARUNDIKA FERNANDO RELIEF SERVICES AND
GODFREY FERNANDO MEMORIAL FOUNDATION
(INCORPORATION)**

(Private Member's Bill)

A

BILL

**to incorporate the Arundika Fernando Relief Services and Godfrey
Fernando Memorial Foundation**

*To be presented in Parliament by Hon. Janaka Wakkumbura, M. P. for
Ratnapura District.*

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*Arundika Fernando Relief Services and Godfrey
Fernando Memorial Foundation (Incorporation)*

AN ACT TO INCORPORATE THE ARUNDIKA FERNANDO RELIEF
SERVICES AND GODFREY FERNANDO MEMORIAL FOUNDATION

WHERE an Foundation called and known as the Preamble.
“Arundika Fernando Relief Services and Godfrey Fernando
Memorial Foundation” has heretofore been formed at
No. 65, Walawaththa, Dankotuwa, of Puttalam District in
5 Sri Lanka for the purpose of effectually carrying out and
transacting all objects and matters connected with the said
Foundation according to the rules agreed to by its members:

AND WHEREAS the said Foundation has hertofore
successfully carried out and transacted the several objects
10 and matters for which it was formed and has applied to be
incorporated and it will be for the public advantage to grant
such application:

BE it therefore enacted by the Parliament of the Democratic
Socialist Republic of Sri Lanka as follows:—

15 **1.** This Act may be cited as the “Arundika Fernando Short title.
Relief Services and Godfrey Fernando Memorial
Foundation” (Incorporation) Act, No. of 2015.

2. From and after the date of commencement Incorporation
of this Act, such and so many persons as now of the
20 are members of the “Arundika Fernando Relief Services and Arundika
Godfrey Fernando Memorial Foundation” (hereinafter Fernando
referred to as the “Foundation”), or shall hereafter be admitted Relief
as members of the Corporation hereby constituted shall be a Services and
body corporate (hereinafter referred to as the “Corporation”) Godfrey
25 with perpetual succession under the name and style of Fernando
“Arundika Fernando Relief Services and Godfrey Fernando Memorial
Memorial Foundation”, and by that name may sue and be Foundation.
sued in all courts, with full power and authority to have and
use a common seal alter the same at its pleasure.

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3. The general objects for which the Corporation is constituted are hereby declared to be—

General
objects of the
Corporation.

- 5 (a) assisting the poverty stricken elders and persons with physical and mental disabilities to get rid of their sufferings and to help them lead a better life;
- (b) assisting the students who find it difficult to pursue their education owing to poverty of their parents being disabled, in whatever manner, providing scholarships and financial grants;
- 10 (c) supporting the establishment of pre-school and making arrangements to ensure upliftment of children by devising programmes to develop them;
- 15 (d) assisting and aiding the development of library facilities and organizing expert lectures and workshops with a view to promoting education among students;
- 20 (e) introducing technical expertise and skills required to successfully run industries related to fisheries, agriculture and commercial business, organizing training workshops, providing financial assistance to whatever possible manner and making available various facilities connected thereto;
- 25 (f) identifying local artists in order to preserve traditional cultural arts and conducting assessment of them at various levels to encourage them and making arrangements to obtain their maximum contribution towards the preservation of traditional cultural arts by offering them various facilities required by them;
- 30 (g) effecting betterment of the lives of farmers and fishermen by promoting small and medium level industries and expanding infrastructure facilities;

- 5 (h) making arrangements towards the promotion of all places of religious worship and carrying out relevant programmes to enhance mutual understanding among followers of various religions aimed at religious cohabitation;
- (i) sponsoring the development of health, sanitation and nutrition of people and children and making arrangements to promote sports skills;
- 10 (j) making necessary interactions and giving relevant instructions relating to the disposal of garbage and other disposable items in a manner that ensure the health of people and solve various issues related to it;
- 15 (k) providing welfare facilities to the poor helpless people at various levels and granting assistance to them;
- (l) carrying out any other activity that is deemed necessary for the achievement of the objectives of the Foundation; and
- 20 (m) working closely with local and foreign organizations with similar objectives of the Foundation.

25 **4.** (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules in force for the time being of the Corporation be administered by a Board of Directors consisting of Chairman and Secretary, Treasurer and another eleven members elected in accordance with such rules.

Management of the affairs of the Corporation.

30 (2) The founder member of the Foundation, Mr. Arundika Fernando shall be the Chairman of the Board of Directors for life and thereafter, the Family members of the person who was holding office as the Chairman shall become the next Chairman of the Board of Directors.

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(3) The first Board of the Corporation shall consist of the members of the Board of Administration of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

5 (4) A member of the Board of Directors other than the
Chairman shall unless he vacates his office earlier by death
or resignation, hold office for a period of four years. Where
due to death or resignation a vacancy occurs in the Board of
Directors a new members shall be appointed to fill such
10 Vacancy and such a new members shall hold office for a
period of four years.

5. Subject to the provisions of this Act and any other
written law, the Corporation shall have the power to do,
perform and execute all such acts, matters and things
15 whatsoever as are necessary or desirable for the promotion
or furtherance of the objects of the Corporation or any one
of them, including the power to acquire and hold property
moveable, to open, operate and close bank accounts, to
borrow or raise moneys with or without security, to erect any
20 building or structures on any land held by the Corporation
and to engage, employ and dismiss officers and servants
required for the carrying out of the objects of the Corporation.

General
Powers of the
Corporation.

6. (1) It shall be lawful for the Corporation, from time to
time, at any General Meeting of the members and by a
25 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:—

Rules of the
Corporation.

30 (a) classification of membership, admission,
withdrawal, expulsion or resignation of members
and membership fees payable;

(b) procedure to be observed for the summoning and
holding of meetings of the Corporation and Board

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of Directors, the quorum for such meetings and the exercise and performance of their powers and duties;

- 5 (c) the appointment, power, duties and functions of the various officers, agents and servants of the Corporation;
- (d) qualification required to become a member of the Corporation and of the Board of Directors; and
- (e) the administrations and management of the property of the Corporation.

10 (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).

(3) Every member of the Corporation shall be subject to rules of the Corporation.

15 **7.** All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation hereby constituted and all debts due to subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation for
20 purposes of this Act. Debts due by and payable to the Centre.

8. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gifts, bequest, donation, subscription, contribution, fees or grants for and on account of the Corporation shall be
25 deposited to the credit of the Corporation in one or more banks as the Board of Directors shall determine. Fund of the Corporation.

(2) There shall be paid out of the fund, all sums of money required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of
30 its power, duties and function under the Act.

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- 5 **9.** The Corporation shall be able and capable in law to acquire and hold any property, movable and immovable which may become vested in it by virtue of any purchase, grant, lease, gift, testamentary disposition or otherwise and all such property shall be held by the Corporation for the purposes of this Act and subject to the rules in force for the time being of the Corporation, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same. Corporation may hold property movable and immovable.
- 10 **10.** No member of the Corporation of the Corporation there remains after the satisfaction of all its debts and liabilities of the Corporation or any other purpose, be liable to make any contribution exceeding the among of such membership fees as may be due from him to 15 the Corporation. Limitation of liabilities of members.
- 20 **11.** If upon the dissolution of the Corporation there remains after the satisfaction of all debts and liabilities any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be give or 25 transferred to some other institution or institutions having objects similar to the those of the Corporation and which, is or are by its or there rules prohibited from distributing any income or property among their members. Such institution or institutions shall be determined by the Members of the Corporation at or immediately before the dissolution of the Corporation. Property remaining on dissolution.
- 12.** (1) The financial year of the Corporation shall be the calendar year. Audit and accounts of the Corporation.
- 30 (2) The Corporation shall cause proper accounts to be kept of income and expenditure, assets and liabilities and all other transactions of the Corporation.
- (3) The accounts of the Corporation shall be audited by a qualified auditor as may be determined by the Board.

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(4) In this section "qualified auditor" means–

5 (a) an individual who, being a member of the institute of Chartered Accountants of Sri Lanka, or any other institute established by law, possesses a certificate to practice as an Accountant issued by the Council 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 council of such Institute.

15 **13.** The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of Chairman and an another member of the Board of Directors who shall sign their names on the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness. Seal of the Corporation.

20 **14.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic, or corporate or of any other persons expect such as are mentioned in this Act and those claiming by, from or under them. Savings of the rights of the Republic and others.

25 **15.** 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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