



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

**NALIN FERNANDO FOUNDATION
(INCORPORATION)**

A

BILL

to incorporate the Nalin Fernando Foundation

*Presented by the Hon. Nalin Fernando, M.P. for Gampaha District
on 06th of October, 2021*

(Published in the Gazette on September 21, 2021)

Ordered by Parliament to be printed

[Bill No. 75]

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 18.00

Postage : Rs. 15.00

This Bill can be downloaded from www.documents.gov.lk



Nalin Fernando Foundation
(Incorporation)

AN ACT TO INCORPORATE THE NALIN FERNANDO
FOUNDATION

WHEREAS a Foundation called and known as the “Nalin Fernando Foundation” has heretofore been created 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 :

Preamble

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the several objects and matters for which the said Foundation was established and has applied to be incorporated and it will be expedient to grant the such application :

10

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 Nalin Fernando Foundation (Incorporation) Act, No. of 2021.

Short title

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

Incorporation
of Nalin
Fernando
Foundation

(2) The Corporation shall be deemed to be a voluntary social service organization within the meaning and for the purposes of the Voluntary Social Services 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.

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

General
objectives
of the
Corporation

- 5 (a) to improve mutual understanding, peaceful coexistent, religious harmony, spiritual development within the citizens of Sri Lanka through religious, cultural, social and economic inter activities;
- (b) to assist financially or otherwise in order to develop personal skills and challenges enabling to concentrate on self-employment;
- 10 (c) to help by providing uniforms, instruments and text books for the needy students and also to grant scholarship for their secondary and tertiary education;
- 15 (d) to identify fields for appropriate projects for the youths who leave from school and also support for them through maintaining such projects in the focus of training in order to face the competitive demand for future employment opportunities;
- 20 (e) to identify projects such as sport, music of students in the divisional and rural levels and motivate for improving their simultaneous skills through by maintaining such projects in order to face the competitive demand increasing for the future employment opportunities;
- 25 (f) to provide help and subsidy to improve their personality of the disabled persons;
- (g) to create a human generation with healthy, polite, patriotic and humanity qualities and to implement programs in order to educate youths for promoting a society free of tobacco, alcohol and drugs;
- 30 (h) to identify the health related needs of the people in the far away rural areas and conducting clinic and medical camps for such areas and execute medical treatment for needy people;

- (i) to organize lectures, seminars and educational trips for the students enabling to prepare for government exams;
- 5 (j) to organize for involving in the volunteer activities for area people in order to find ways to cover their expenses of infrastructure requirements on housing, water and road etc.;
- 10 (k) to find our practical activities to protect the environmental system endangered due to human activities, to educate the society in order to minimize the damage to the environment and to create and friendly environmental society;
- 15 (l) to implement leadership training programs for giving due place for women, to identify the obstacles to the livelihood and to find out due solution to overcome from such obstacles;
- 20 (m) to organize lecture serious and special medical clinics for pregnant women, to conduct programs such as “Suwanari” and by identifying the diseases early to get necessary consultations for avoidable such deceases;
- (n) to uplift the health, education and nutrition status of infants and special attention needy children;
- 25 (o) to act to enhance the quality and infrastructure facilities of pre-schools conducted in the rural levels and making arrangement to improve the nutrition level and good qualities of the students; and
- (p) to unite all the ethnic groups in order to improve the national unity and cohesiveness in Sri Lanka.

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(Incorporation)

4. The objects of the Corporation shall be carried out in such manner so as not to create any conflict between the work of the Corporation and any work being carried out simultaneously by any Ministry or Department of the Government or of any Provincial Council.

Corporation to ensure no conflict with work of Ministry or Department of the Central Government or Province

5. (1) The affairs of the Corporation shall, subject to the provisions of this Act and the rules made under section be administered by a Committee of Management(hereinafter referred to as the "Committee") consisting of the Chairman, Secretary, Treasurer, Vice President, Assistant Secretary, Ordient Patron (Pewedi Anusasaka), Layment Patron (Gihi Anusasaka) and not less than 10 members of the Corporation.

Management of the affairs of Corporation

(2) The founder member of the Foundation, Honourable Nalin Fernando, Member of Parliament shall be the first Chairman of the Committee of Management of the Corporation.

(3) (a) The first Committee of the Corporation shall be the Committee of Management of the Foundation holding office on the day immediately preceding the date of commencement of this Act, who shall hold office until the new members are elected in terms of the provisions of this Act;

(b) first Committee of the Corporation shall be appointed or elected within one year of the date of commencement of this Act.

(4) (a) Every office bearer of the Council including the patrons and advisers, 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 a 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, having regard to the rules of the Corporation, the committee shall power to elect or appoint a person to fill
5 such vacancy who shall have to hold the post until the next annual general meeting;

(c) to purchase, lease out or rent, sale or sell or otherwise obtain any movable or immovable property which may be required for the purpose of the Corporation and which may
10 lawfully be acquired for the purpose and to deal with or dispose of the same, as it deem expedient with a view to promoting the object of the Corporation;

(d) to appoint, employ and dismiss the employees required for carrying out of the objects of the Corporation;

15 (e) maintain relationship with local and foreign institutions which function with similar objectives and co-ordinate with them; and

(f) Committee shall have the power do all other acts and things as are necessary or expedient for the proper and
20 effective carrying out of the objects of the Corporation.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting or at a special general meeting o
Rules of the Corporation
by a majority of not less than one - thirds of the members present and voting, to make rules, not inconsistent with the
25 provisions of this Act or any other written law, for all or any of the following matters :—

(a) the election of office bearers, their term of office, resignation from, or vacation of, or removal from office and their powers and duties;

30 (b) the election and the terms of office of members of the Committee other than the office bearers and the powers and duties of the Committee;

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(Incorporation)

(c) the classification of membership, admission, withdrawal, expulsion of members and membership fees;

5 (d) the administration and management of the property of the Corporation, the custody of its funds and the maintenance and audit of its accounts;

(e) the procedure to be followed at any meetings of the committee and the quorum therefore and the conduct of business thereat; and

10 (f) the management of the affairs of the Corporation and the accomplishment of its objects.

(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.

(3) Every rule made under subsection (1) shall be *Gazetted*.

15 (4) The members of the Corporation shall be subject to the rules of the Corporation.

20 7. (1) The Corporation shall have its own Fund and all monies heretofore or hereafter to be received from locally and foreign countries by way of gift, bequest, donation subscription, contribution or grants on behalf of the Corporation shall be deposited to the credit of the Fund of the Corporation in one or more banks as the Committee may determine. Fund of the Corporation

25 (2) There shall be paid out of the Fund all such sums of money as may be required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

8. (1) The Corporation shall cause proper accounts to be kept of all income and expenditure, assets and liabilities and all other transactions of the Corporation. Audit and
Accounts

5 (2) The Accounts of the Corporation shall be audited by a qualified auditor appointed by the Committee.

(3) For the purpose of this section "qualified auditor" means-

10 (a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute establishment by law, possesses a certificate to practice as an Accountant, issued by the Council of such Institute; or

15 (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.

20 9. (1) The Committee 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 Annual
report
25 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.

30 (2) A separate statement of Account relating to the foreign and local monies received by the body corporate during the financial year shall be attached to the report referred to in subsection (1).

10. Subject to the provisions of this Act and to Section 7 of this Corporation shall be able and capable in law to acquire and hold any property, both movable and immovable by way of purchase, grant, gift, or 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 with full power to sell, mortgage, lease, exchange, or otherwise dispose of the same.
11. All debts and liabilities of the Foundation existing on the day preceding the date of commencement of this Act, shall be paid and discharged 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 the purposes of this Act.
12. The Seal of the Corporation shall not be affixed to any instrument except in the presence of the Chairmen and two members of the Corporation as may be decided by the Committee, 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.
13. Nothing contained in this Act shall prejudice or affect the rights of the Republic or any body politic or corporate.
14. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Corporation may hold movable and immovable property

Debts due by and payable to the Foundation

Seal of the Corporation

Saving of the rights of the Republic and others

Sinhala text to prevail in case of inconsistency

