

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

*————————*

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

**A**

**BILL**

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

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*Presented by the Hon. Anura Priyadharshana Yapa, M. P. for Kurunegala District on 03rd of August 2021*

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*Ordered by Parliament to be printed*

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| **[Bill No. 60]** | *————————* |

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| *Arundika Fernando Relief Services and* | 1 |

*Godfrey Fernando Memorial Foundation (Incorporation)*

AN ACTTOINCORPORATETHE ARUNDIKA FERNANDO RELIEF   
SERVICESAND 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, Walawwaththa, Dankotuwa, of Puttalam District in   
5 Sri Lanka for the purpose of effectually carring 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:—

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| 15 | **1.** | This Act may be cited as the Arundika Fernando | Short title |

Relief Services and Godfrey Fernando Memorial Foundation (Incorporation) Act, No. of 2021.

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| 20 | **2.** | From and after the date of commencement | Incorporation |
| of this Act, such and so many persons as now | | of the |
| Arundika |
| are members of the “Arundika Fernando Relief Services and | |
| Fernando |
| 25 | Godfrey Fernando Memorial Foundation” (hereinafter | | Relief |
| referred to as the “Foundation”), or shall hereafter be admitted | | Services and |
| Godfrey |
| as members of the Corporation hereby constituted shall be a | |
| Fernando |
| body corporate (hereinafter referred to as the “Corporation”) | |
| Memorial |
| with perpetual succession under the name and style of | | Foundation |

“Arundika Fernando Relief Services and Godfrey Fernando Memorial Foundation”, and by that name may sue and be sued in all courts, with full power and authority to have and use a common seal alter the same at its pleasure.

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

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| **3.** | The general objects for which the Corporation is | General  objects of the Corporation |
| constituted are hereby declared to be— | |
| (*a*) | supporting the establisment of pre-school and |

making arrangements to ensure upliftment of

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| 5 | (*b*) | children by devising programmes to develop them; |
| introducing technical expertise and skills required |

to successfully run industries related to fisheries, agriculture and commercial business, organizing training workshops, providing financial assistance 10 to whatever possible manner and making available various facilities connected thereto;

(*c*) identifying local artists in order to preserve   
 traditional cultural arts and conducting assessment   
 of them at various levels to encourage them and

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| 15 | making arrangements to obtain their maximum contribution towards the preservation of traditional |

cultural arts by offering them various facilities   
required by them;

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| 20 | (*d*) | effecting betterment of the lives of farmers and |
| (*e*) | fishermen by promoting small and medium level |
| industries and expanding infrastructure facilities; |
| making arrangements towards the promotion of all |
| places of religious worship and carrying out relevant |

programmes to enhance mutual understanding

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| 25 | (*f*) | among followers of various religions aimed at |
| religious cohabitation; |
| carrying out any other activity that is deemed |
| necessary for the achievement of the objectives of |

the Foundation; and

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| 30 | (*g*) | working closely with local and foreign |
| organizations with similar objectives of the |

Foundation.

*Arundika Fernando Relief Services and*  3 *Godfrey Fernando Memorial Foundation (Incorporation)*

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| 5 | **4.** | (1) The affairs of the Corporation shall, subject to | Management |
| the other provisions of this Act and the rules in force for the | | of the affairs |
| of the |
| time being of the Corporation be administered by a Board | |
| Corporation |
| of Directors consisting of Chairman and Secretary, Treasurer | |
| and another eleven members elected in accordance with | |
| such rules. | |

(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

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| 10 | was holding office as the Chairman shall become the next Chairman of the Board of Directors. |

(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

15 commencement of this Act.

(4) A member of the Board of Directors other than the Chairman shall nuless 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

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| 20 | Directors a new members shall be appointed to fill such Vacancy and such a new members shall hold office for a |

period of four years.

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| 25 | **5.** | Subject to the provisions of this Act and any other | General |
| written law, the Corporation shall have the power to do, | | Powers of the |
| Corporation |
| perform and execute all such acts, matters and things | |
| 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

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| 30 | borrow or raise moneys with or without security, to erect any 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.

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

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

majority of not less than two-thirds of the members present and voting, to make rules, not inconsistent with the

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| 5 | provisions of this Act, or any other written law, for all or any of the following matters:— | |
| (*a*) | classification of membership, admission, |

withdrawal, expulsion or resignation of members   
and membership fees payable;

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| 10 | (*b*) | procedure to be observed for the summoning and |
| holding of meetings of the Corporation and Board |

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

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| 15 | (*c*) | the appointment, power, duties and functions of |
| (*d*) | the various officers, agents and servants of the |
| Corporation; |
| qualification required to become a member of the |

Corporation and of the Board of Directors; and

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| 20 | (*e*) | the administrations and management of the property |
| of the Corporation. |

(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

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| 25 | rules of the Corporation. | | Debts due by |
| **7.** | All debts and liabilities of the Foundation existing |
| on the day preceding the date of commencement of this Act, | | and payble to |
| the Centre |
| shall be paid by the Corporation hereby constituted and all | |

debts due to subscriptions and contributions payable to the 30 Foundation on that day shall be paid to the Corporation for purposes of this Act.

*Arundika Fernando Relief Services and*  5 *Godfrey Fernando Memorial Foundation (Incorporation)*

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| **8.** | (1) The Corporation shall have its own fund and all | Fund of the Corporation |
| 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

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| 5 | deposited to the credit of the Corporation in one or more banks as the Board of Directors shall determine. |

(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

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| 10 | its power, duties and function under the Act. | | Corporation |
| **9.** | The Corporation shall be able and capable in law |
| 15 | to acquire and hold any property, movable and | | may hold |
| property |
| immovable which may become vested in it by virtue of any | |
| movable and |
| purchase, grant, lease, gift, testamentary disposition or | |
| immovable |
| 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.

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| 20 | **10.** | No member of the Corporation of the Corporation | Limitation of |
| there remains after the satisfaction of all its debts | | liabilities of |
| and liabilities of the Corporation or any other purpose, be | | members |

liable to make any contribution exceeding the among of such membership fees as may be due from him to

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| 25 | the Corporation. | | Property |
| **11.** | If upon the dissolution of the Corporation there |
| remains after the satisfaction of all debts and liabilities any | | remaining on |
| property whatsoever, such property shall not be distributed | | dissolution |

among the members of the Corporation, but shall be give or

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| 30 | 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

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| 35 | Corporation at or immediately before the dissolution of the Corporation. |

6 *Arundika Fernando Relief Services and*

*Godfrey Fernando Memorial Foundation (Incorporation)*

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| 5 | **12.** | (1) The financial year of the Corporation shall be | Audit and |
| the calendar year. | | accounts of |
| the |
| (2) The Corporation shall cause proper accounts to be | | Corporation |
| 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.

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

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| 10 | (*a*) an individual who, being a member of the institute | | Seal of the |
| of Chartered Accountants of Sri Lanka, or any | |
| 15 | 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 | |
| 20 | 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. | |
| **13.** | The seal of the Corporation shall not be affixed to |
| 25 | any instrument whatsoever except in the presence of | | Corporation |
| 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. | |
| 30 | **14.** | Nothing in this Act contained shall prejudice or | Savings of |
| affect the rights of the Republic or of anybody politic, or | | the rights of |
| corporate or of any other persons expect such as are | | the Republic |
| and others |
| mentioned in this Act and those claiming by, from or under | |
| them. | |
| **15.** | In the event of any inconsistency between the | Sinhala text |
| Sinhala and Tamil texts of this Act, the Sinhala text shall | | to prevail in |
| case of |
| prevail. | |
| inconsistency |

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| *Arundika Fernando Relief Services and* | 7 |

*Godfrey Fernando Memorial Foundation (Incorporation)*

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