

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

*————————*

**INDIRA CANCER TRUST**   
**(INCORPORATION)**

**A**

**BILL**

**to incorporate the Indira Cancer Trust**

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*Presented by the Hon. Manusha Nanayakkara, M. P.*   
*for Galle District on 22nd of September, 2021*

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**[Bill No. 72]**

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| *Indira Cancer Trust (Incorporation)* | 1 |

AN ACTTOINCORPORATETHE INDIRA CANCER TRUST

WHEREAS an Association called and known as the “Indira Preamble Cancer Trust” has heretofore been established in Sri Lanka   
 for the purpose of effectually carrying out its objects and   
 transacting all matters connected with the said Association   
5 according to the rules agreed to by its members:

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

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

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| **1.** | This Act may be cited as the Indira Cancer Trust | Short title |

(Incorporation) Act, No. of 2021.

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| 15 | **2.** | (1) From and after the date of commencement of this | Incorporation |
| Act, such and so many persons now are members of the Indira | | of the Indira |
| Cencer Trust |
| Cancer Trust (hereinafter referred to as the “Trust”) and shall | |

hereafter be admitted as members of the body corporate hereby constituted shall have perpetual succession under the name 20 and style of the “Indira Cancer Trust” (hereinafter referred to as the “body corporate”) and by that name may sue and be sued with full power and authority to have and use a common seal and alter the same at its pleasure.

(2) The body corporate shall be deemed to be a Voluntary 25 Social Service Organization within the meaning and for the purpose of the Voluntary Social Services Organization (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 body corporate.

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| 5 | 2 | *Indira Cancer Trust (Incorporation)* | General |
| **3.** | The general objects for which the body corporate is |
| constituted are hereby declared to be— | | objects of the |
| (*a*) to reduce the number of cancer cases and deaths and | | body |
| corporate |
| improve the quality of life of cancer patients through | |
| prevention, early detection, diagnosis, treatment and | |
| palliation; | |

(*b*) to initiate cost effective long term strategies for cancer and 30-50% of all cancer cases are preventable;

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| 10 | (*c*) to increases the chances of successful treatment by focusing on detecting symptomatic patients as earliest possible stage; |

(*d*) to assist to cure or considerably prolog the life of patients and to ensure the best possible quality of life for cancer survivors;

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| 15 | (*e*) to improve access to palliative care with an emphasis on primary health care and community/home based care; and |

(*f*) to assist in improving the mental, social and in general   
the quality of life of cencer sufferers and their families.

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| 20 | **4.** | The objects of the body corporate shall be carried out | Body |
| in such manner so as not to create any conflict between the | | corporate to |
| work of the body corporate and any work being carried out | | ensure no |
| conflict with |
| simultaneously by any Ministry or Department of the | |
| work of |
| Government or of any Provincial Council. | |
| Ministry or |

Department   
of the   
Government   
or Provincial   
Council

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| 25 | **5.** | (1) The affairs of the body corporate shall, subject to | Management |
| the provisions of this Act and the rules in force for the time | | of the affairs |
| of the body |
| being of the body corporate be administered by a Board of | |
| Corporate |
| 30 | Directors (hereinafter referred to as the “Board”) consisting | |
| of Chairman, Secretary and Treasurer elected in accordance | |
| with the rules. | |

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(2) The first Board of Directors of the body corporate shall consist of the members of the Committee of Management holding office on the day immediately preceding the date of commencement of this Act.

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| 5 | **6.** | Subject to the provisions of this Act, and any other | Powers of the |
| written law, the body corporate shall have the power to do, | | body |
| perform and execute all such acts, matters and things | | corporate |

whatsoever as are necessary or desirable for the promotion or furtherance of all and any object of the body corporate or any 10 one of them, including the powers to open, operate or close bank accounts, to borrow or raise moneys with or without security, to receive or collect or accept grants and donations, to invest its funds and to engage, employ and dismiss officers and servants required for the carrying out of the objects of

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| 15 | the body corporate. | | Rules of the |
| **7.** | (1) It shall be lawful for the body corporate, from time |
| to time, at any annual general meeting of the body corporate | | body |
| and by a majority of not less than two - thirds of the members | | corporate |

present and voting, to make rules, not inconsistent with the

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| 20 | provisions of this Act or any other written law, for all or any of the following matters :— | |
| (*a*) | the classification of members and the admission, |

expulsion, removal or withdrawal of members;

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| 25 | (*b*) | the election of office bearers, the resignation from |
| (*c*) | office, vacation of or removal from office of office |
| bearers and their powers, functions and duties; |
| the procedure to be followed for the summoning |

and holding of meetings of the Board of Directors   
and of the time, places, notices and agenda of such

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| 30 | (*d*) | meetings, the quorum thereof and the conduct of |
| business thereof; |
| the terms and conditions of appointment, powers, |

conduct, duties and functions of the various officers,   
agents and servants of the body corporate;

4 *Indira Cancer Trust (Incorporation)*

(*e*) the administration and management of the property   
 of the body corporate; and

(*f*) the management of the affairs of the body corporate,   
 and the accomplishment of its objects.

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| 5 | (2) | Any rule made by the body corporate may be |
| amended, altered, added to or rescinded at a like meeting and | |

in like manner, as a rule made under subsection (1).

(3) The rules made under this section shall be published in the *Gazette* within three months upon making of such 10 rules and shall come into effect on the date thereof.

(4) The members of the body corporate shall at all times be subject to the rules of the body corporate.

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| 15 | **8.** | The Board shall maintain a register of members in | Register of |
| which the name, address and other essential details of the | | members |
| members shall be inscribed. | | Fund of the |
| **9.** | (1) The body corporate shall have its own Fund. |
| body |
| (2) All moneys received by way of gifts, bequests, | |
| corporate |

donations, subscriptions, fees or grants for and on account of the body corporate shall be deposited in one or more banks

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| 20 | approved by the Board to the credit of the body corporte subject to the provisions of section 6. |

(3) There shall be paid out of the Fund, all such sums of money as are required to defray any expenditure incurred by the body corporate in the exercise, performance and discharge

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| 25 | of its powers, duties and functions under this Act. | | Accounts and |
| **10.** | (1) The financial year of the body Corporate shall be |
| the calendar year. | | auditing |

(2) The body corporate shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and

30 all other transactions of such body corporate.

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(3) The accounts of the body corporate shall be audited annually by the Auditor-General or a qualified auditor appointed by the Auditor-General in terms of the provisions of Article 154 of the Constitution and be certified by the 5 Auditor-General or such qualified auditor.

(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 10 or of any other Institute established by law, possesses a certificate to practice as an accountant, issued by the Council of such Institute; or

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| 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 Board of such Institute.

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| 20 | **11.** (1) The Board shall prepare a report of the activities | Annual |
| of the boby corporate for each financial year and submit such | report |

report together with the audited statement of accounts certified by the Auditor-General or a qualified auditor referred to in section 10 to the Secretary of the Ministry of the Minister 25 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 30 relates.

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

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| 6 | *Indira Cancer Trust (Incorporation)* | Debts due by and payable  to the Trust |
| **12**. All debts and liabilities of the Trust existing on the day immediately preceding the date of commencement of this Act, shall be paid by the body corporate hereby | |

constituted and all debts due to and subscriptions and 5 contributions payable to the Trust on that day shall be paid to the body corporate for the purpose of this Act.

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| 10 | **13.** Subject to the provisions of this Act, the body corporate | Body |
| shall be able and capable in law to take and hold any property, | corporate |
| both movable and immovable, which may become vested in it | may hold |
| property |
| by virture of any purchase, grant, gift, testamentary disposition |
| movable and |
| or otherwise, and all such property shall be held by the body | immovable |

corporate for the purpose of this Act and subject to the rules made under section 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

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| 15 | **14.** | The moneys and property of the body corporate shall | Application |
| be applied solely towards the promotion of the objects of the | | of moneys |
| and property |
| body corporate and no portion thereof shall be paid or | |

transferred directly or indirectly by way of dividend, bonus or profit or otherwise to the members of the body corporate.

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| 20 | **15.** | (1) The Seal of the body corporate shall be affixed | Seal of the |
| body |
| to any instrument except in the presence of the Chairperson | |
| corporate |
| and the Secretary 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.

25 (2) The seal of the body corporate shall be in the custody of an officer bearer of the Board as may be decided by the Board.

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| 30 | **16.** | (1) If upon the dissolution of the body corporate | Property |
| remaining on |
| there remains after the satisfaction of all its debts and | |
| dissolution |
| liabilities any property whatsoever, such property shall not | |

be distributed among the members of the body corporate but shall be given or transferred to any other institution having

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objects similar to those of the body corporate, and which is by the rules thereof, prohibited from distributing any income or property among their members.

(2) For the purposes of subsection (1) the appropriate 5 institution shall be determined by the members of the body corporate immediately before the dissolution at a general meeting by the majority of votes of the members present.

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| 10 | **17.** | Nothing in this Act contained shall prejudice or | Saving of the |
| affect the rights of the Republic or any body politic or | | rights of the |
| Republic |
| corporate. | |
| **18.** | 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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| 8 | *Indira Cancer Trust (Incorporation)* |

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