



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

**(DR.) MALANI FONSEKA FOUNDATION
(INCORPORATION) ACT, No. 18 OF 2012**

[Certified on 06th August, 2012]

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(Dr.) Malani Fonseka Foundation (Incorporation)
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L.D.—O. Inc. 22/2011.

AN ACT TO INCORPORATE THE (DR.) MALANI FONSEKA FOUNDATION

WHEREAS an Association called and known as the “Dr. Malani Fonseka Foundation” has heretofore been established in Sri Lanka 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 :

Preamble.

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 for the 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 (Dr.) Malani Fonseka Foundation (Incorporation) Act, No. 18 2012.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “(Dr.) Malani Fonseka 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 “(Dr.) Malani Fonseka 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.

Incorporation
of the
(Dr.) Malani
Fonseka
Foundation.

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The general
objects of the
Corporation.

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

- (a) to foster and preserve aesthetic, performance and traditional arts and crafts of Sri Lanka and to promote such arts and crafts both nationally and internationally ;
- (b) to formulate and implement suitable projects to improve the social, academic and economic standards of the Sri Lankan Artists and those who are involved in the promotion of Sri Lankan arts and crafts ;
- (c) to formulate and implement suitable projects for the welfare of senior citizens, women and children of Sri Lanka ;
- (d) to grant scholarships and bursaries to needy and deserving students of Sri Lanka particularly to facilitate them to engage in higher education ;
- (e) to formulate and implement appropriate programmes to teach Tamil language to Sinhala students and Sinhala language to Tamil students ;
- (f) to formulate and implement appropriate programmes to improve the English language skills of the Sri Lankan students ;
- (g) to establish and maintain Information Technology Centers particularly in the rural and under developed areas with a view to improving computer literacy of rural students ;
- (h) to assist those who are engaged in agriculture and fisheries industries by providing them with latest technological information and other necessary assistance ;

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- (i) to formulate and implement poverty alleviation programmes for the overall welfare and development of the poor ;
- (j) to sponsor and promote sports among the children and youth according to their talents and interests ;
- (k) to organize awareness programmes on concepts such as fundamental rights, fundamental duties, democracy and good governance with a view to promoting such concepts among the Sri Lankans ; and
- (l) to liaise and co-ordinate with other local and foreign institutions having similar objects to that of the corporation.

(2) The Corporation shall ensure that the implementation of the objects of the Corporation shall be carried out without any distinction based on race, religion, language, caste, sex or political opinion.

4. 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 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—

Powers of the Corporation.

- (a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purposes of the Corporation ;
- (b) to borrow or raise funds with or without securities and to receive grants, gifts of donation in cash or kind :

Provided that, the Board shall obtain prior written approval of the Department of External Resources of the Ministry of the Minister to whom the subject of Finance is assigned, in respect of all foreign grants, gifts or donations and it shall be audited by the Auditor General ;

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- (c) to 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 enter into contracts partnerships or agreements with any Governmental or non Governmental organizations or any other person or institution whether in Sri lanka or abroad ;
- (e) to invest any funds that are not immediately required for the purposes of the Corporation, in such manner as the Executive Committee may determine ;
- (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 train personnel in Sri lanka or abroad for the purposes of the Corporation ; and
- (h) to do all other things as are necessary or expedient for the proper and effective carrying out of the objects of the Corporation.

Management of
the Affairs of the
Corporation.

5. (1) The management and administration of the affairs of the Corporation shall subject to the provisions of this Act be administered by an Executive Committee consisting of such number of office bearers elected in the manner as may be provided by the rules of the Corporation made under section 6.

(2) One of the office bearers of the Executive Committee shall be an officer not below the rank of Assistant Secretary of the Ministry of the Minister to whom the subject of Social Services is assigned and appointed by such Minister.

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(3) The first Executive Committee of the Corporation shall be the Executive Committee of the Foundation who hold office on the day immediately preceding the date of commencement of this Act.

(4) No office bearer of the Executive Committee, including the patrons, shall hold office for more than three consecutive years in the same post.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting of the Corporation and 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 :—

Rules of the
Corporation.

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by the members ;
- (b) the qualifications and disqualifications for members of the Executive Committee and the Corporation ;
- (c) the election of office bearers of the Executive Committee or vacation of or removal from office and the powers, duties and functions of the office bearers;
- (d) the appointment, powers, functions and duties and the terms and conditions of the various officers, agents and servants of the Corporation ;
- (e) the procedure to be followed for the summoning and holding of meetings of the Executive Committee, the Corporation or any sub-committee thereof, filling of vacancies, notices and agenda of such meetings, the quorum and the conduct of business thereat ; and
- (f) the administration and management of the property of the Corporation for the accomplishment of the objects of the Corporation.

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(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) of this section.

(3) The members of the Corporation shall at all times be subject to the rules of the Corporation made under this section.

Fund of the
Corporation.

7. (1) The Corporation shall have its own fund.

(2) All moneys received by way of gifts, bequest, donation, subscription, contribution, fees or grant for and on account of the Corporation shall be deposited in one or more banks approved by the Executive Committee 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.

Accounts and
Auditing.

8. (1) The financial year of the Corporation shall be the calendar year.

(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.

(3) The accounts of the corporation shall be audited annually by a qualified auditor appointed by the Executive Committee.

(4) In 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

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- (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.

9. All debts and liabilities of the Foundation existing on the day immediately preceding the date of commencement of this Act, shall be paid by the Corporation hereby 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 purposes of this Act.

Debts due by and payable to the Foundation.

10. Subject to the provisions of this Act, the Corporation shall be able and capable in law to take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift 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 made under section 6 with power to sell, mortgage, lease exchange or otherwise dispose of the same.

Corporation may hold property movable and immovable.

11. No member of the Corporation shall, for the purpose of discharging the debts and liabilities of the Corporation, or for any other purpose, be liable to make any contribution exceeding the amount of such membership fees as may be due from time to time to the Corporation.

Limitation of liabilities of members.

12. The Corporation shall be a non-profit organization and no part of the gains, profits or dividends, if any, of the Corporation shall be distributed among the members of the Corporation.

Corporation to be a non-Profit Organization.

13. (a) If upon the dissolution of the Corporation there remains after the satisfaction of all its debts and liabilities, any money or property whatsoever, such money or property shall not be distributed among the members of the

Property remaining on dissolution.

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Corporation, but shall be given or transferred to some other institution or institutions, having objects similar to those of the Corporation and which is or are by the rules thereof, prohibited from distributing any income or property among its members.

(b) For the purposes of paragraph (a) the appropriate institution or institutions shall be determined by the members of the Corporation immediately before the dissolution.

Seal of the
Corporation.

14. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of Executive Committee of the Corporation, 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.

Saving of the
Rights of the
Republic and
others.

15. Nothing in this Act contained shall prejudice or affect the rights of the Republic or of anybody politic or corporate.

Sinhala text to
prevail in case
of inconsistency.

16. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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