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SOCIALIST REPUBLIC OF
SRI LANKA**

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SUPPLEMENT

(Issued on 23.08.2021)



INDIRA CANCER TRUST (INCORPORATION)

(Private Members' Bill)

A

BILL

to incorporate the Indira Cancer Trust

*To be presented in Parliament by Hon. Manusha Nanayakkara, M.P.
for Galle District*

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Indira Cancer Trust (Incorporation)

AN ACT TO INCORPORATE THE INDIRA CANCER TRUST

WHEREAS an Association called and known as the “Indira 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 according to the rules agreed to by its members:

Preamble

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 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 Indira Cancer Trust (Incorporation) Act, No. of 2021.

Short title

2. (1) From and after the date of commencement of this Act, such and so many persons now are members of the Indira 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 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.

Incorporation
of the Indira
Cancer Trust

(2) The body corporate shall be deemed to be a Voluntary 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.

3. The general objects for which the body corporate is constituted are hereby declared to be—
- General objects of the body corporate
- 5 (a) to reduce the number of cancer cases and deaths and 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;
- 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;
- 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.
- 20 4. The objects of the body corporate shall be carried out in such manner so as not to create any conflict between the work of the body corporate and any work being carried out simultaneously by any Ministry or Department of the Government or of any Provincial Council.
- Body corporate to ensure no conflict with work of Ministry or Department of the Government or Provincial Council
- 25 5. (1) The affairs of the body corporate shall, subject to the provisions of this Act and the rules in force for the time being of the body corporate be administered by a Board of Directors (hereinafter referred to as the “Board”) consisting of Chairman, Secretary and Treasurer elected in accordance
- Management of the affairs of the body Corporate
- 30 with the rules.

(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.

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

Powers of the
body
corporate

7. (1) It shall be lawful for the body corporate, from time to time, at any annual general meeting of the body corporate and by a majority of not less than two - thirds of the members present and voting, to make rules, not inconsistent with the
20 provisions of this Act or any other written law, for all or any of the following matters :—

Rules of the
body
corporate

- (a) the classification of members and the admission, expulsion, removal or withdrawal of members;
- 25 (b) the election of office bearers, the resignation from office, vacation of or removal from office of office bearers and their powers, functions and duties;
- 30 (c) 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 meetings, the quorum thereof and the conduct of business thereof;
- (d) the terms and conditions of appointment, powers, conduct, duties and functions of the various officers, agents and servants of the body corporate;

(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.

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.

8. The Board shall maintain a register of members in which the name, address and other essential details of the
15 members shall be inscribed. Register of members

9. (1) The body corporate shall have its own Fund. Fund of the body corporate

(2) All moneys received by way of gifts, bequests, donations, subscriptions, fees or grants for and on account of the body corporate shall be deposited in one or more banks
20 approved by the Board to the credit of the body corporate 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
25 of its powers, duties and functions under this Act.

10. (1) The financial year of the body Corporate shall be the calendar year. Accounts and 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.

(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 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 or of any 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 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.

11. (1) The Board shall prepare a report of the activities of the body corporate for each financial year and submit such 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 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 relates.

Annual
report

(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).

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 contributions payable to the Trust on that day shall be paid to the body corporate for the purpose of this Act. Debts due by and payable to the Trust
13. Subject to the provisions of this Act, the body corporate shall be able and capable in law to take and hold any property, both movable and 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 body 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. Body corporate may hold property movable and immovable
14. The moneys and property of the body corporate shall be applied solely towards the promotion of the objects of the 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. Application of moneys and property
15. (1) The Seal of the body corporate shall be affixed to any instrument except in the presence of the Chairperson 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. Seal of the body corporate
- (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.
16. (1) If upon the dissolution of the body corporate there remains after the satisfaction of all its debts and 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 Property remaining on dissolution

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.

5 (2) For the purposes of subsection (1) the appropriate 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.

10 **17.** Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporate. Saving of the rights of the Republic

18. 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

