

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

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SUPPLEMENT

(Issued on 31.01.2022)



**CHITHTHA ADVANCED PSYCHOLOGICAL STUDIES
OPEN INSTITUTE OF SRI LANKA (INCORPORATION)**

(Private Members' Bill)

A

BILL

**to incorporate the Chiththa Advanced Psychological Studies Open
Institute of Sri Lanka**

*To be presented in Parliament by Hon. Buddhika Pathirana, M.P.
for Matara District*

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*Chiththa Advanced Psychological Studies
Open Institute of Sri Lanka (Incorporation)*

AN ACT TO INCORPORATE THE CHITHTHA ADVANCED PSYCHOLOGICAL
STUDIES OPEN INSTITUTE OF SRI LANKA

WHEREAS an Institute called and known as the “Chiththa Advanced psychological Studies Open Institute of Sri Lanka” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting all matters connected with the said Institute according to the rules agreed to by its members:

Preamble

AND WHEREAS the said Institute 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 expedient 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 Chiththa Advanced Psychological Studies Open Institute of Sri Lanka (Incorporation) Act, No. of 2022.

Short title

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Chiththa Advanced Psychological Studies Open Institute of Sri Lanka (hereinafter referred to as the “Institute”) 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 “Chiththa Advanced Psychological Studies Open Institute of Sri Lanka” (hereinafter referred to as the “body corporate”) and by that name may sue and be sued in all Courts with full power and authority to have and use a common seal and to alter the same at its pleasure.

Incorporation
of the
Chiththa
Advanced
Psychological
Studies Open
Institute of
Sri Lanka

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

(a) to established proper organization for the psychological consultants;

The General
objects of the
body
corporate

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Open Institute of Sri Lanka (Incorporation)

- (b) to promote and develop psychological studies and to formulate standards of the psychological consultant and issuing the same ;
- 5 (c) to produce psychological consultants in the country aiming at providing necessary psychological treatment among the people of the country who are ailing with psychological disorders and to uplift the psychological health;
- 10 (d) to offer psychological studies in the main official languages of the country so as to produce a society of efficient psychologists who could provide their consultancy services in mother languages within Sri Lanka;
- 15 (e) to offer education and proper training to the students of the Institution aiming at producing qualified psychological consultants and to grant certificate through the Chiththa Advanced psychological Studies Open Institute of Sri Lanka and monitor them;
- 20 (f) to offer Chiththa Certified Psychological Counsellor of Sri Lanka (CCPCSL) through the Council of Chiththa Psychological Counsellors' to those students who had obtained certificate having completed the proper studies and the final medical
- 25 trainings;
- (g) to act vigilantly about the code of discipline of the licensed members and to take disciplinary action against, or cancel the membership of the licensed holder those who violate the code of discipline;
- 30 (h) to offer psychological study courses recognized by the local and foreign countries to the level of certificate level course in the field of higher national diploma studies not less than the level of bachelor degree;

- (i) to conduct seminars and workshop twice a year to those licensed members in order to improve the knowledge;
- 5 (j) to organize pathways of gaining post graduations eligibility to the members of their professional development of bachelor/master degree holders in the field of psychological studies;
- 10 (k) to run both print and electronic media library of books, news papers and magazines etc. to further studies of students following psychological studies, licensed members and others; and to motivate the students and members to publish articles in the field of subject matter in both medias;
- 15 (l) to charge a reasonable monthly fee for the registration of students from certificate course to higher national diploma and an annual fee from the licensed membership holders to continue their membership and to charge a fee for any other services obtained from the institute;
- 20 (m) to award scholarship and trophies to those students who show their educational talents with courage and dedication;
- (n) to open sub branches of institution and managing and controlling them;
- 25 (o) to control all kinds of books and documents of print and electronic media under the Intellectual Property Act, as well as preserving the movable and immovable property of the Institute;
- 30 (p) the pioneer chairman of the Institute be able to appoint any officers and employees he think deem fit and pay off their wages; as well as to appoint a trustworthy officer in place of him while he is in abroad or not in good health;

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Open Institute of Sri Lanka (Incorporation)

- (q) a new director, after the retirement of the chairman or after his demise be appointed by a proper vote and such director shall have the all powers enjoyed by the pioneer chairman of the institute;
- 5 (r) any person appointed to serve the institute in various capacity be able to serve for a term of 5 years, and the institute has the power to publish and declare through print media of his non-existence in the institute and bear no responsibilities in the
- 10 institute any more about such personnel who retire before the completion of 5 years of term;
- (s) to Chiththa Advanced Psychological Studies Open Institute of Sri Lanka be fully prepared to co-operate with the Internal and International universities of
- 15 seminars, lectures and workshop.

(2) In the implementation of the objects specified in subsection (1) the body corporate shall ensure that such implementation shall be carried out without any discrimination based on race, religion, language, caste, sex,

20 political opinion, place of birth or any of such grounds.

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

25 Government or any Provincial Council.

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

5. (1) Subject to the provisions of this Act management of the affairs of the body corporation shall be carried out by a Board of Management (hereinafter referred to as "the Board") consisting of such number of office bearers as

30 may be specified by the rules made under section 7.

Management of the affairs of the body corporate

5 (2) (a) The Board of Management of the foundation that holds office on the day immediately preceding the date of commencement of this Act, shall function as the Board of the body corporate until the first Board is appointed or elected in the manner provided for by rules made under section 7.

(b) The first Board of the body corporate shall be appointed or elected within one year of the date of commencement of this Act.

10 (3) (a) Every office bearer of the Board including the patrons and advisors, 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 lapse of the said period of three years.

15 (b) In the event of a vacancy occurring due to the death, resignation, incapacity or removal from office of an office bearer, the Board shall having regard to the rules of the body corporate, elect or appoint a person to fill such vacancy.

20 (c) The person elected or appointed under paragraph (b) shall hold office only for the unexpired portion of the term of office of the member whom he succeeds.

25 **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 and matters as necessary or desirable for the promotion or any one of them, including the powe—

Powers of the
body
corporate

30 (a) to purchase, acquire, rent, construct, renovate and otherwise obtain lands or buildings which may be required for the purpose of the body corporate and to deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of the body corporate;

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Open Institute of Sri Lnaka (Incorporation)

- (b) to raise funds and receive grants, gifts or donanation, in cash or kind with or without security;

5 Provided that the Body shall obtain prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the body corporate.

- 10 (c) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, promossory notes and othe negotiable instruments and to open, operate and close accounts in any banks;

- 15 (d) invest any funds not immediately required for the purpose of the body corporate in such manner as the Board may determine;

- (e) to undertake, accept, execute, perform and administer any lawful trust or any real or personal property with a view to promoting the objects of the body corporate;

- 20 (f) to appoint, employ dismiss or terminate the services of officers and servants of the body corporate and exercise disciplinary control over them and to pay them such salaries, allowances and gratuities as may be determined by the body corporate;

- 25 (g) to do all other things as are necessary or expedient for the proper and effective carrying out the objects of the body corporate.

30 7. (1) It shall be lawful for the body corporate, from time to time, at any general meeting and by the votes 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 body corporate

- 35 (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and fees payable by members;

- (b) the election of the office-bearers of the Board or vacation of or removal from office of office-bearers and the powers, duties and functions of the office bearers;
- 5 (c) the terms and conditions of appointment, powers, functions and duties of the various officers, agents and servants of the body corporate;
- 10 (d) the procedure to be followed at and the summoning and holding of meetings of the Board, or any sub committee thereof, notices and agenda of such meetings, the quorum and the conduct of business thereat;
- (e) the qualification and disqualification to be a members of the Board and the body corporate;
- 15 (f) the administration and management of the property of the body corporate; and
- (g) the management of the affairs of the body corporate, and the accomplishment of its' objects and dissolution of the body corporate.
- 20 (2) The rule made by the body corporation may be amended, altered, added or rescinded at a like meeting and in like manner as a rule made under subsection (1).
- (3) The members of the body corporate shall at all time be subject to the rules of the body corporate.
- 25 (4) The rules made under this section shall be published in the Government *Gazette*.
- 8. The Board shall maintain a register of members in which name, address and other essential details of the members be inscribed. Register of member

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

(2) All moneys received by way of gift, bequest, donation,
subscription, contribution, fees or grants for an account of
the body corporate shall be deposited in one or more Banks
5 approved by the Board to the credit of the body corporate.

(3) There shall be paid out of the Fund all sums of money
as are required to defray any expenditure incurred by the
body corporate in the exercise, performance and discharge
of its power, duties and functions under the Act.

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

(2) The body corporate shall cause proper accounts to
be kept of income and expenditure, assets and liabilities
and all other transactions of the body corporate.

15 (3) The accounts of the body corporate shall be audited
by a qualified auditor appointed by Auditor General in terms
of Article 154 of the Constitution.

(4) For the purpose of this section “qualified auditor”
means —

20 (a) an individual who, being a member of the
Institute of Chartered Accountants of Sri Lanka,
or any other institute established by law,
possesses a certificate to practice as an
Accountant, issued by the Council of such
25 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,
30 possesses a certificate of practice as an
Accountant, issued by the Council 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 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.
- Annunal report
- (2) A separate account relating to the foreign and local moneys 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 Centre existing on the day preceding the date of commencement of this Act, shall be paid by the body corporate hereby constituted and all debts due to, subscriptions and contributions payable to the Centre on that day shall be paid to the body corporate for the purpose of this Act.
- Depts due by and payable to the Centre
13. Subject to the provisions of this Act, the body corporate 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 body corporation for the purpose of this Act and subject to the rules of the body corporate 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 however derived 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 to the members of the body corporate.
- Application of money and property

15 **15.** (1) The Seal of the body corporate shall not be affixed to any instrument whatsoever except in the presence of the two members of the Board 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 office bearer of the Board as may be decided by such Board.

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

Property
remaining on
dissolution

(2) For the purpose of this 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.

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

Saving of the
rights of the
republic and
others

25 **18.** No person shall be liable in any suit or other legal proceeding for any act done, or purporting to be done, in good faith in pursuance of the powers conferred by or under this Act, or for the purpose of carrying out the provisions of this Act.

Indemnity
for acts done
in good faith

30 **19.** 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

