

## FROM THE CIVIL RIGHTS MOVEMENT

# PROPOSED AMENDMENT TO VOLUNTARY SOCIAL SERVICES ACT

**T**he proposed amendment to the Voluntary Social Services Act, which would enable the Minister to appoint an interim Board of Management for certain types of non-governmental organisations, is a matter of serious concern to the Civil Rights Movement. CRM recognises that this is intended to deal with situations of fraud or misappropriation where the public interest would suffer. It nevertheless constitutes a grave violation of the freedom of association and is thereby detrimental to a greater public interest, which requires that voluntary non governmental organisations be permitted to function without state interference in their management.

### Present Act

**T**he main Act was passed in 1980 despite severe criticism from quarters including CRM. It applies to a particular type of voluntary organisation. Its full title is the voluntary Social Service Organizations (Registration and Supervision) Act.

The Act does not merely compel registration of these organisations. It also empowers the Registrar (who is an official appointed under the Act), or any person authorised by him, to enter and inspect the premises, to bring to the notice of the Minister any allegation of fraud etc. and even to attend any meeting of the Committee or of the organisation. To so attend he must EITHER be invited by a majority of the Executive Committee members, OR have the permission of the Minister. The Act magnanimously stipulates, however, that he has no vote.

As CRM pointed out at the time, the freedom of association necessarily involves the right not only to decide with whom one will associate but also with whom one will not associate. To empower a government official to attend the meetings of an association if authorised by the Minister is the most gross infringement of this right.

The Act further provides that where there is an allegation of fraud or misappropriation, the Minister may refer this to a Board of Inquiry, which will in due course report to the Minister. The only power the Minister then has, however, is to REFER SUCH REPORT TO THE APPROPRIATE AUTHORITY FOR STEPS TO BE TAKEN ACCORDING TO LAW.

### Proposed Amendment

**T**his unacceptable Act is now sought to be made house by inserting a new Section 14A, which will enable the Minister to appoint an Interim Board of Management. This he can do if the Board of Inquiry reports that there is evidence to support fraud or misappropriation and the Minister is satisfied that this is such a nature as would affect the financial management of the organization and that the public interest will suffer if the existing executive committee continues to function. The amendment is made retroactive.

The amendment, though couched in general terms, is apparently prompted by a situation that has arisen in the Sri Lanka Red Cross Society. An interim Board of management was in fact appointed by the Minister and the existing Committee got this declared invalid by the courts. Hence the retroactivity.

CRM makes no comment on the internal affairs of the Sri Lanka Red Cross Society. Assuming, however, for the purpose of argument, that there is evidence to support fraud or misappropriation, CRM remains of the view that

- state interference is not the answer
- state interference is a most dangerous precedent
- the proposed measure is a threat to freedom of association
- if there is fraud or misappropriation the normal law should apply
- funders and/or members should seek their legal remedies rather than seek state intervention as a short cut
- if normal remedies are cumbersome or dilatory, that must be addressed and put right as a separate issue.

CRM urges the government not to proceed with this amendment. CRM further urges the government to repeal the voluntary Social Service organizations (Registration and Supervision) Act.

### Note

1. "New law to control Voluntary Social Service", CRM statement February 1980. E02/2/80.