

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

*————————*

**MABOTUWANA SRI PIYARATHANA NAYAKA THERO SUWASEVANA FOUNDATION**   
**(INCORPORATION)**

**A**

**BILL**

**to incorporate the Mabotuwana Sri Piyarathana Nayaka Thero Suwasevana Foundation**

*————————*

*Presented by the Hon. Asanka Navarathna, M.P.*   
*for Kurunegala District on 13th of November, 2021*

(Published in the Gazette on October 18, 2021)

*Ordered by Parliament to be printed*

*————————*

**[Bill No. 91]**

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA   
TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

|  |  |  |
| --- | --- | --- |
| 2- | **Price : Rs. 18.00** | **Postage : Rs. 15.00** |
| *This Bill can be downloaded from* www.documents.gov.lk |  |

2-2d

|  |  |
| --- | --- |
| *Mabotuwana Sri Piyarathana Nayaka Thero* | 1 |

*Suwasevana Foundation (Incorporation)*

AN ACTTOINCORPORATETHE MABOTUWANA SRI PIYARATHANA NAYAKA THERO SUWASEVANA FOUNDATION

WHEREAS an Foundation called and known as the Preamble.“Mabotuwana Sri Piyarathana Nayaka Thero Suwasevana   
Foundation” has heretofore been formed in Sri Lanka for the

|  |  |
| --- | --- |
| 5 | purpose of effectually carrying out its objects and transacting all matters connected with the said Trust according to the |

rules agreed to by its members:

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted several objects and matters for which it was established, and has applied to be 10 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:—

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **1.** | This Act may be cited as the Mabotuwana Sri | Short title |
| Piyarathana Nayaka Thero Suwasevana Foundation | |

(Incorporation) Act, No. of 2021.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **2.** | From and after the date of commencement of this Act, | Incorporation |
| such and so many persons as now are members of the | | of the |
| Mabotuwana |
| Mabotuwana Sri Piyarathana Nayaka Thero Suwasevana | |
| Sri |
| Foundation (hereinafter referred to as the “Foundation”) or | | Piyarathana |
| 25 | shall hereafter be admitted as members of the Corporation | | Nayaka |
| Thero |
| hereby constituted, shall be a body corporate with perpetual | |
| Suwasevana |
| succession, under the name and style of the “Mabotuwana | |
| Foundation |
| Sri Piyarathana Nayaka Thero Suwasevana Foundation” | |
| (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.

|  |  |  |
| --- | --- | --- |
| **3.** | (1) The general objects for which the body corporate | General  objects of the body  corporate |
| is constituted are hereby declared to be— | |

2 *Mabotuwana Sri Piyarathana Nayaka Thero*   
 *Suwasevana Foundation (Incorporation)*

(*a*) to give temporary residential facilities to patients

from various areas of Sri Lanka suffering from

dreadful non – communicable diseases to the

Karapitiya Hospital for treatment;

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | to operate a day care Centre for disabled and back - |
| (*c*) | ward children; |
| to operate a library for making available library |

facilities for the mental comfort of residents;

|  |  |  |
| --- | --- | --- |
| 10 | (*d*) | to provide the residents with a meal prepared in a |
| safe manner and according to proper standard free |

of charge;

(*e*) to provide each patient facilities separately, such as   
 fridges necessary to properly store medicines etc,

|  |  |
| --- | --- |
| 15 | that should be administered daily to patients and operating a support service to give each patient the |

prescribed doses of medicine at the specrified   
time;

|  |  |  |
| --- | --- | --- |
| 20 | (*f*) | to provide free accommodation facilities to relatives, |
| (*g*) | friends or acquaintances accompanying patients and |
| providing them with meals free of charge; |
| to provide financial aid in the case of poor and |

helpless patients who cannot afford the medicine   
prescribed to them; and

|  |  |  |
| --- | --- | --- |
| 25 | (*h*) | to act in cooperation with local and foreign people |
| and organizations who are willing to work for |

helpless patients.

(2) In the implementation of the objects specified in subsection (1) the Corporation shall ensure that such implementation shall be carried out without any 30 discrimination based on race, religion, language, caste, sex, political opinion, place of birth or any of such grounds.

*Mabotuwana Sri Piyarathana Nayaka Thero*  3   
 *Suwasevana Foundation (Incorporation)*

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **4.** | The objects of the body corporate shall be carried | body |
| out in such manner so as not to create any conflict between | | corporate to |
| ensure no |
| the work of the Corporation and any work being carried out | |
| conflict with |
| simultaneously by any Ministry or Department of the | | work of |
| Government or any Provincial Council. | | Ministry or |
| Department |

of the Central   
Government   
or Province

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| HJ | 10 | **5.** | (1) Subjects to the provisions of this Act the body | Management |
| corporate shall be carried out by a Board of Management | | of the Affairs |
| (hereinafter referred to as “the Board”) consisting of such | | of the body |
| corporate |
| number of office bearers as may be specified by the rules | |
| made under section 7. | |

(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 15 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.

|  |  |
| --- | --- |
| 20 | (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.

|  |  |
| --- | --- |
| 25 | (*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 Corporation, elect or appoint a person to fill such vacancy.

(*c*) The person elected or appointed under paragraph (*b*)

|  |  |
| --- | --- |
| 30 | shall hold office only for the unexpired portion of the term of office of the member whom he succeeds. |

4 *Mabotuwana Sri Piyarathana Nayaka Thero*   
 *Suwasevana Foundation (Incorporation)*

|  |  |  |  |
| --- | --- | --- | --- |
| 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 |
| Corporate |
| perform and execute all such acts and matters as necessary | |
| or desirable for the promotion or any one of them, including | |
| the power— | |

(*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 10 expedient with a view to promoting the objects of the body corporate;

(*b*) to raise funds and receive grants, gifts or donations, in cash or kind with or without security:

Provided that, the Board shall obtain the prior 15 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;

(*c*) to make, draw, accept, discount, endorse, negotiate, 20 buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable instruments and to open, operate and close accounts in any banks;

(*d*) to invest any funds not immediately required for the purposes of the body corporate in such manner as the 25 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;

30 (*f*) to appoint, employ, dismiss or terminate the services of officers and servants of the body corporate and

*Mabotuwana Sri Piyarathana Nayaka Thero*  5   
 *Suwasevana Foundation (Incorporation)*

exercise disciplinary control over them and to pay   
them such salaries, allowances and gratuities as may   
be determined by the body corporate;

(*g*) to do all other things as are necessary or expedient 5 for the proper and effective carrying out the objects of the body corporate.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **7.** | (1) It shall be lawful for the body corporate, from | Rules of the |
| time to time, at any general meeting and by the votes of not | | body |
| less than two thirds of the members present and voting, to | | Corporate |
| make rules, not inconsistent with the provisions of this Act or | |

any other written law, for all or any of the following matters:–

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

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | the election of 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;

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | the terms and conditions of appointment, powers, |
| functions and duties of the various officers, agents |

and servants of the body corporate;

(*d*) the procedure to be followed at the summoning and holding of meetings of the Board, or any subcommittee thereof, notices and agenda of such 25 meetings, the quorum and the conduct of business thereat;

(*e*) the qualification and disqualification to be a   
 member of the Board and the body corporate;

|  |  |  |
| --- | --- | --- |
| 30 | (*f*) | the administration and management of the property |
| of the body corporate; and |

6 *Mabotuwana Sri Piyarathana Nayaka Thero*   
 *Suwasevana Foundation (Incorporation)*

(*g*) the management of the affairs of the body corporate   
 and the accomplishment of its’ objects and   
 dissolution of the body corporate.

|  |  |  |
| --- | --- | --- |
| 5 | (2) | The rules 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 members of the body corporate shall at all time |

be subject to rules of the body corporate.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | (4) | The rules made under this section shall be published | Register of |
| in the Government *Gazette*. | |
| **8.** | The Board shall maintain a register of members in |
| which name, address and other essential details of the | | members |

members be inscribed.

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **9.** | (1) The body corporate shall have its own Fund. | Funds of the |
| (2) All moneys received by way of gift, bequest, donation, | | body |
| corporate |
| subscription, contribution, fees or grants for an account of | |

the body corporate shall be deposited in one or more Banks approved by the Board to the credit of the Corporation.

|  |  |
| --- | --- |
| 20 | (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.

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **10.** | (1) The financial year of the body corporate shall be | Accounts and |
| the calendar year. | | 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.

(3) The accounts of the body corporate shall be audited by a qualified auditor appointed by Auditor General in terms 30 of Article 154 of the Constitution.

*Mabotuwana Sri Piyarathana Nayaka Thero*  7   
 *Suwasevana Foundation (Incorporation)*

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

(*a*) an individual who being a member of the   
 Institute of Chartered Accountants of Sri Lanka,

|  |  |
| --- | --- |
| 5 | or any other institute established by law, possesses a certificate to practice as an |

Accountant issued by the Council of such   
institute; or

|  |  |  |
| --- | --- | --- |
| 10 | (*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

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | institute. | | Annual |
| **11.** | (1) The Board shall prepare a report of the activities |
| of the body corporate for each financial year and submit | | Report |

such report togother with the audited statement of accounts to the Secretary of the Ministry of the Minister assigned the

|  |  |
| --- | --- |
| 20 | 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 25 report relates.

(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).

|  |  |  |  |
| --- | --- | --- | --- |
| 30 | **12.** | All debts and liabilities of the Foundation existing | Debts due by |
| on the day preceding the date of commencement of this Act, | | and payable |
| shall be paid by the body corporate hereby constituted, and | | to the |
| Foundation. |
| all debts due to, and subscriptions and contributions payable | |

to the Foundation on that day shall be paid to the body 35 corporate for the purpose of this Act.

8 *Mabotuwana Sri Piyarathana Nayaka Thero*   
 *Suwasevana Foundation (Incorporation)*

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **13.** | Subject to the provision of this Act, the body | Body |
| corporate shall be able and capable in law, to take and hold | | corporate |
| any property movable or immovable which may become | | may hold |
| property |
| vested in it by virtue of any purchase, grant, gift, testamentary | |
| movable and |
| disposition or otherwise, and all such property shall be held | | immovable |
| by the body corporate for the purposes 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.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **14.** | The moneys and property of the body corporate | Application of money  and property |
| 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

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | indirectly by way of dividend, bonus or profit to the members | | Seal of the |
| of the body corporate. | |
| **15.** | (1) The seal of the body corporate shall not be |
| 20 | affixed to any instrument whatsoever, except in the presence | | body |
| corporate |
| of 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. | |

(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.

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **16.** | (1) If upon the dissolution of the body corporate | Property |
| there remains after the satisfaction of all its debts and | | remaining on |
| liabilities, any property whatsoever, such property shall not | | dissolution |

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

|  |  |
| --- | --- |
| 30 | which is by the rules thereof prohibited from distributing any income or property among its members. |

(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 35 meeting by the majority of votes of the members present.

*Mabotuwana Sri Piyarathana Nayaka Thero*  9

*Suwasevana Foundation (Incorporation)*

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **17.** | Nothing in this Act contained shall prejudice or | Saving of the |
| affect the rights of the Republic or of anybody politic or | | Rights of the |
| Republic and |
| corporate. | |
| others |
| **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 |

|  |  |
| --- | --- |
| 10 | *Mabotuwana Sri Piyarathana Nayaka Thero* |

*Suwasevana Foundation (Incorporation)*

DEPARTMENTOFGOVERNMENTPRINTING