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

**Part II of December 10, 2021**

**SUPPLEMENT**

(*Issued on 13.12.2021*)



**DR. S. S. GUNAWARDANA INDIGENOUS AYURVEDA DEVELOPMENT FOUNDATION (INCORPORATION)**

*(Private Members’ Bill)*

**A**

**BILL**

**to incorporate the Dr. S. S. Gunawardana Indigenous Ayurveda Development Foundation**

*To be presented in Parliament by Hon. Rohana Bandara, M.P. for Anuradhapura District*

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| *Dr. S. S. Gunawardana Indigenous Ayurveda* | 1 |

*Development Foundation (Incorporation)*

AN ACTTOINCORPORATETHE DR. S. S. GUNAWARDANA   
INDIGENOUS AYURVEDA DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the “Dr. S. S. Preamble

Gunawardana Indigenous Ayurveda Development Foundation” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out its objects and transacting 5 all matters connected with the said Foundation according to the rules agreed to by its members:

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the 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:—

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| 15 | **1.** | This Act may be cited as the Dr. S. S. Gunawardana | | | | Short title |
| Indigenous | | Ayurveda | Development | Foundation |

(Incorporation) Act, No. of 2021.

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| 20 | **2.** | (1) From and after the date of commencement of this | Incorporation of |
| the Dr. S. S. |
| Act, such and so many persons as now are members of the | |
| Gunawardana |
| Dr. S. S. Gunawardana Indigenous Ayurveda Development | |
| Indigenous |
| Foundation (hereinafter referred to as the “Foundation”) or | | Ayurveda |
| Development |
| shall hereafter be admitted as members of the Corporation | |
| Foundation |
| hereby constituted, shall be a body corporate with perpetual | |

succession, under the name and style of the “Dr. S. S.

Gunawardana Indigenous Ayurveda Development 25 Foundation” (hereinafter referred to as the “Corporation”) 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.

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(2) The Corporation shall be deemed to be a voluntary social service organization within the meaning, and for the purpose of the Voluntary Social Service Organizations

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| 5 | (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 Corporation.

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| 10 | **3.** | (1) The general objects for which the Corporation is | General |
| constituted are hereby declared to be — | | objects of the |
| Corporation |
| (*a*) | to take action in order to conduct research in the |
| field of indigenous Ayurvedic treatment and taking | |

steps to continue in the same field;

(*b*) to widen the indigenous medical treatment facilities   
 and to offer safety medical treatment through it in   
 the Island and other parts of the world;

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| 15 | (*c*) | to take necessary action to preserve the indigenous |

medical treatment as well as the traditional medical   
practices of Sri Lanka;

(*d*) to engage in developing the education of indigenous   
 medical practices;

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| 20 | (*e*) | to create new medicinal herbal gardening to provide |

poisonous free herbs for the development of   
indigenous Ayurveda medical practices and   
encourage the herbs plantation while providing   
assistance to those engage in the same cultivation;

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| 25 | (*f*) | to increase the knowledge of the indigenous |

Ayurveda practices and its fundamental among the   
local and foreigners;

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| 30 | (*g*) | to establish a fully-fledged hospital in the district of |
| Anuradhapura in order that anyone could obtain a |
| formal and effective indigenous medical treatment; |

and

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(*h*) to do all such other acts and things as are necessary   
 for and incidental or conducive to the attainment of   
 the above objects.

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| 5 | (2) In the implementation of the objects specified in subsection (1) the Corporation shall ensure that such |

implementation shall be carried out without any discrimination based on race, religion, language, caste, sex, Political opinion, place of birth or any of such gounds.

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| 10 | **4.** | The objects of the Corporation shall be carried out in | Corporation to |
| such manner so as not to create any conflict between the work | | ensure no |
| conflict with |
| of the Corporation and any work being carried out | |
| work of |
| 15 | simultaneously by any Ministry or Department of the | | Ministry or |
| Government or any Provincial Council. | | Department of |
| the Central |
| Government or |
| **5.** | (1) Subject to the provisions of this Act the | Province |
| Management of |
| Corporation shall be carried out by a Board of Management | | the Affairs of |
| the Corporation |
| (hereinafter referred to as “the Board”) consisting of such | |

number of office bearers as may be specified by the rules made under section 7.

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| 20 | (2) (*a*) The Board of Directors 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 Corporation 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 Corporation shall be appointed

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| 25 | or elected within one year of the date of commencement of this Act. |

(3) (*a*) Every office bearer of the Board including the patrons and advisors, shall be appointed or elected for a period

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| 30 | 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.

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(*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.

5 (*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.

(*d*) The founder member of the Foundation Dr. S. S.

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| --- | --- | --- | --- |
| 10 | Gunawardana shall be the first chairman of the Board of | | Powers of the |
| Directors. | |
| **6.** | Subject to the provision of this Act and any other |
| written law, the Corporation shall have the power to do, | | Corporation |

perform and execute all such acts and matters as necessary

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| 15 | 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 Corporation and to

|  |  |
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| 20 | deal with or dispose of the same as may be deemed expedient with a view to promoting the objects of |

the Corporation;

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

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| --- | --- |
| 25 | Provided that, the Board shall obtain the 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 Corporation;

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| 30 | (*c*) | to make, draw, accept, discount, endorse, negotiate, |
| buy, sell and issue bills of exchange, cheques, |

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promissory notes and other negotiable instruments   
and to open, operate and close accounts in any   
banks;

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| 5 | (*d*) | to invest any funds not immediately required for |
| the purposes of the Corporation in such manner as |

the Board may determine;

(*e*) to undertake, accept, execute, perform and   
 administer any lawful trust or any real or personal

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| 10 | (*f* ) | property with a view to promoting the objects of |
| the Corporation; |
| to appoint, employ, dismiss or terminate the services |

of officers and servants of the Corporation and   
exercise disciplinary control over them and to pay

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| 15 | (*g*) | them such salaries, allowances and gratuities as may |
| be determined by the Corporation; |
| to do all other things as are necessary or expedient |

for the proper and effective carrying out the objects   
of the Corporation.

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| 20 | **7.** | (1) It shall be lawful for the Corporation, from time to | Rules of the |
| time, at any general meeting and by the votes of not less than | | Corporation |

two thirds of the members present and voting, to make rules, not inconsistent with the provision of this Act, or any other written law, for all or any of the following matters:-

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| 25 | (*a*) | the classification of membership, admission, |
| withdrawal, expulsion or resignation of members and |

fees payable by members;

(*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;

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(*c*) the terms and conditions of appointments, powers,   
 functions and duties of the various officers, agents   
 and servants of the Corporation;

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| 5 | (*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   
meetings, the quorum and the conduct of business   
thereat;

|  |  |  |
| --- | --- | --- |
| 10 | (*e*) | the qualification and disqualification to be a |
| (*f*) | members of the Board and the Corporation; |
| the administration and management of the property |

of the Corporation; and

|  |  |  |
| --- | --- | --- |
| 15 | (*g*) | the management of the affairs of the Corporation |
| and the accomplishment of its’ objects and |
| dissolution of the Corporation. |

(2) The rules 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).

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| 20 | (3) The members of the Corporation shall at all time be subject to the rules of the Corporation. |

(4) The rules made under this section shall be published in the Government *Gazette*.

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| 25 | **8.** | The Board shall maintain a register of members in | Registry of |
| which name, address and other essential details of the | | members |
| members be inscribed. | | Fund of the |
| **9.** | (1) The Corporation shall have its own Fund. |

Corporation (2) All moneys received by way of gifts, bequests,   
donations, subscriptions, contributions, fees or grants for an

|  |  |
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| 30 | account of the Corporation shall be deposited in one or more Banks approved by the Board to the credit of the Corporation. |

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(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.

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| 5 | **10.** | (1) The financial year of the Corporation shall be | Accounts and |
| Auditing |
| 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.

10 (3) The accounts of the Corporation 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 —

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| --- | --- | --- |
| 15 | (*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 Institute; or

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| 20 | (*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

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| 25 | **11.** | to practice as an Accountant, issued by the Council | Annual Report |
| of such Institute. |
| (1) The Board shall prepare a report of the activities |

of the Corporation 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

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| 30 | 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.

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(2) A separate Account relating to the foreign and local moneys received by the Corporation during the financial year shall be attached to the report referred to in subsection (1).

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| 5 | **12.** | All debts and liabilities of the Foundation existing | Debts due by |
| on the day preceding the date of commencement of this | | and payable to |
| the Foundation |
| Act, shall be paid by the Corporation hereby constituted, | |

and all debts due to, and subscriptions and contributions

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| 10 | payable to the Foundation on that day shall be paid to the | | Corporation |
| Corporation for the purpose of this Act. | |
| **13.** | Subject to the provision of this Act, the Corporation |
| 15 | shall be able and capable in law to take and hold any property, | | may hold |
| property |
| movable or immovable which may become vested in it by | |
| movable and |
| virtue of any purchase, grant, gift, testamentary disposition | |
| immovable |
| or otherwise, and all such property shall be held by the | |
| Corporation for the purposes of this Act and subject to the | |

rules of the Corporation made under section 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

|  |  |  |  |
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| 20 | **14.** | The moneys and property of the Corporation | Application of |
| however derived shall be applied solely towards the | | moneys and |
| property |
| promotion of the objects of the Corporation and no portion | |

thereof shall be paid or transferred directly or indirectly by

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| 25 | way of dividend, bonus or profit to the members of the | | Seal of the |
| Corporation. | |
| **15.** | (1) The seal of the Corporation shall not be affixed |
| to any instrument whatsoever, except in the presence two | | Corporation |

members of the Board who shall sign their names to the

|  |  |
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| 30 | 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 Corporation shall be in the custody of an office bearer of the Board as may be decided by such Board.

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 *Development Foundation (Incorporation)*

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| 5 | **16.** | (1) If upon the dissolution of the Corporation, there | Property |
| remains after the satisfaction of all its debts and liabilities | | remaining on |
| dissolution |
| any property whatsoever, such property shall not be | |
| distributed among the members of the Corporation, but shall | |
| be given or transferred to any other institution having objects | |
| similar to those of the Corporation, and which is by the | |

rules thereof, prohibited from distributing any income or property among its members.

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| 10 | (2) For the purpose of subsection (1) the appropriate institution shall be determined by the members of the |

Corporation immediately before the dissolution at a general meeting by the majority of votes of the members present.

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| 15 | **17.** | Nothing in this Act contained shall prejudice or | Saving of the |
| affect the rights of the Republic of any body politic or | | rights of the |
| corporate. | | Republic and |
| others |
| **18.** | In the event of any inconsistency between the Sinhala | Sinhala text to |
| and Tamil texts of this Act, the Sinhala text shall prevail. | | prevail in case |
| of |

inconsistency

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| 10 | *Dr. S. S. Gunawardana Indigenous Ayurveda* |

*Development Foundation (Incorporation)*

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