

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

*————————*

**JAYAMAGA DEVELOPMENT, SOCIAL SERVICES**  **AND CHARITY FOUNDATION**   
 **(INCORPORATION)**

**A**

**BILL**

**to incorporate the Jayamaga Development, Social Services and Charity Foundation**

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*Presented by Hon. Hector Appuhamy, M. P. for Puttalam District on 08th of June, 2022*

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*Ordered by Parliament to be printed*

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**[Bill No. 120]**

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| *Jayamaga Development, Social Services and* | 1 |

*Charity Foundation (Incorporation)*

AN ACTTOINCORPORATETHE JAYAMAGA DEVELOPMENT,   
SOCIAL SERVICESAND CHARITY FOUNDATION

WHEREAS an Society called and known as the Preamble

“Jayamaga Development, Social Services and Charity 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 several objects and matters for which it was established, and has applied to be

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| 10 | incorporated and it will be for the public advantage 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 Jayamaga Development, | Short title |
| Social Services and Charity Foundation (Incorporation) Act, | |

No. of 2022.

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| 20 | **2.** | From and after date of commencement of this Act, such | Incorporation |
| and so many persons as now are members of the “Jayamaga | | of the |
| Jayamaga |
| Development, Social Services and Charity Foundation” | |
| Development, |
| (hereinafter referred to as the “Foundation”) or shall hereafter | | Social |
| be admitted as members of the Corporation hereby constituted, | | Services and |
| Charity |
| shall be a body corporate, with perpetual succession, under the | |
| Foundation |
| name and style of the “Jayamaga Development, Social Services | |

and Charity Foundation” (hereinafter referred to as the 25 “Corporation”) and by that name may sue and be sued, with full power and authority to have and use a common seal and to alter the same at its pleasure.

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| **3.** | The general objects for which the Corporation is | General  objects of the Corporation |
| constituted are hereby declared to be— | |

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 *Charity Foundation (Incorporation)*

(*a*) to support and encourage the services provided by senior citizens movements;

(*b*) to give aid by way of scholarships to any officer or servants engaged in the furtherance of the objects of 5 the Corporation;

(*c*) to promote understanding, co-operation and friendship with similar institutions within and outside Sri Lanka;

(*d*) to organize employees of small and medium scale 10 industries and enterprises and working towards their future advancement;

(*e*) to design and implement social mobilization programmes for the development of children and women and implementing education and training 15 programmes for this purpose;

(*f*) to provide training in fields of engineering, technology, carpentry, driving and computing to young men and women who do not get access for higher education and directing them towards such 20 vocations and starting training centres necessary for it; and

(*g*) 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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| 25 | **4.** | Subject to the provisions of this Act and any other | Powers of the |
| written law, the Corporation shall have the power to do, | | Corporation |

perform and execute all such acts and matters as necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power—

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 *Charity Foundation (Incorporation)*

(*a*) to raise funds and receive grants, gifts or donations in cash or kind;

(*b*) to acquire, in any manner whatsoever and hold, take or give on lease or hire, rent, sell or otherwise dispose 5 of, any movable or immovable property and construct, maintain and alter any buildings or works necessary or convenient for the business of the Corporation;

(*c*) to make, draw, accept, discount, endorse, negotiate, buy, sell and issue bills of exchange, cheques, 10 promissory notes and other negotiable instruments and to open, operate and close bank accounts and borrow or raise money with or without security;

(*d*) to invest any funds not immediately required for the purposes of the Corporation in such manner as the 15 Board of Management may determine;

(*e*) to enter into agreement or contracts with any person, or body of persons whether incorporated in Sri Lanka or abroad or with any Government Department, Corporation, Board, Provincial Council or Local 20 Authority for the achievement of the objects of the Corporation;

(*f*) to determine the fees to be paid in respect of   
registration of different categories of membership;   
and

25 (*g*) appoint, employ, dismiss or terminate the services of officers and servants of the Corporation and to pay them such salaries, allowances and gratuities as may be determined by the Corporation.

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 *Charity Foundation (Incorporation)*

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| **5.** | (1) The affairs of the Corporation shall, subject to the | Management of the  Corporation |
| other provisions of this Act and the rules in force for the time being of the Corporation be administered by a Board of | |

Directors consisting of the Director-General, the Deputy 5 Chairman, the Secretary, Deputy Secretary and Treasurer and not less than seven other members elected in accordance with such rules.

(2) The Board of Directors of the Corporation shall consist of the members of the Board of Directors of the day 10 immediately preceding the date of commencement of this Act.

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| **6.** | (1) It shall be lawful for the Corporation, from time to | Rules of the  Corporation |
| time, at any general meeting and by the votes not less than | |

two-thirds of the members present and voting, to make rules, 15 not inconsistent with the provision of this Act or any other written law, for the admission, withdrawal or expulsion of members, the election of the Board of Management, for the conduct of the duties of the office bearers, agents, officers and servants of the Corporation, for the procedure to be

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| 20 | followed in the transaction of business by the Corporation and Board of Management and generally, for the |

management of the affairs of the Corporation and the accomplishment of its objects. Such rules when made may at a like meeting and in like manner, be altered, added to,

25 amended or rescinded.

(2) The members of the Corporation shall be subject to the rules of the Corporation.

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| 30 | **7.** | (1) The Corporation shall have its own fund. All | Fund of the |
| Corporation |
| moneys received by way of gifts, bequests, donations, | |
| transfers, subscriptions, contributions, or fees shall be | |

deposited to the credit of the Corporation in one or more Banks as the Board of Management shall determine.

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 *Charity Foundation (Incorporation)*

(2) There shall be paid out of the fund of the Corporation, all such sums of money as may be required to defray any expenditure incurred by the Corporation in carrying out the objects of the Corporation.

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| 5 | (3) The moneys and property of the Corporation whosesoever derived shall be applied solely towards the |

promotion of the objects as set forth herein and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise, to any member of the

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| 10 | Corporation. | | Accounts and |
| **8.** | (1) The financial year of the Corporation shall be the |
| calendar year. | | Audit |

(2) The Corporation shall cause proper accounts to be kept of income and expenditure, assets and liabilities and 15 all other transactions of the Corporation.

(3) The accounts of the Corporation shall be audited by a qualified auditor as may be determined by the Board.

In this section, “qualified auditor” means —

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| 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   
institute; or

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| 25 | (*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 30 Accountant issued by the Council of such institute.

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 *Charity Foundation (Incorporation)*

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| **9.** | The seal of the Corporation shall not be affixed to | Seal of the  Corporation |
| any instrument whatsoever, except in the presence of the | |

Director-General and the Secretary who shall sign their names on the instrument in token of their presence and such 5 signing shall be independent of the signing of any person as a witness.

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| 10 | **10.** | All debts and liabilities of the foundation existing | Debts due by |
| and payable |
| on the day preceding the date of commencement of this Act, | |
| to the |
| shall be paid by the Corporation hereby constituted, and all | | Corporation |
| debts due to, and subscriptions and contributions payable | |

to the foundation on that day shall be paid to the Corporation for the purpose of this Act.

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| 15 | **11.** | The Corporation shall be able and capable in law, | Corporation |
| to take and hold any property, movable or immovable, which | | may hold |
| property |
| may become vested in it by virtue of any purchase, grant, | | movable and |
| immovable |
| gift, testamentary disposition or otherwise, and all such | |

property shall be held by the Corporation for the purposes of this Act and subject to the rules in force for the time being of the Corporation, with full power to sell, mortgage, lease

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| 20 | exchange or otherwise dispose of the same. | | Property |
| **12.** | If upon the dissolution of the Corporation there |
| 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 25 transferred to some other Foundation or Foundations having objects similar to those of the Corporation, and which is or are, by its rules thereof prohibited from distributing any income or property among its or their members. Such Foundation or Foundations shall be determined by the Board at or 30 immediately before the dissolution of the Corporation.

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*Charity Foundation (Incorporation)*

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| 5 | **13.** | Nothing in this Act contained shall prejudice or | Saving of the |
| affect the rights of the Republic or of any body politic or | | Rights of the |
| Republic and |
| corporate or of any other person, except such as are | |
| others |
| mentioned in this Act and those claiming by, from or under | |
| them. | |
| Sinhala text |
| **14.** | In the event of any inconsistency between the |
| Sinhala and Tamil texts of this Act, the Sinhala text shall | | to prevail in |
| case of |
| prevail. | |
| inconsistency |

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*Charity Foundation (Incorporation)*

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