

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

*————————*

**SAWEERA FOUNDATION**   
**(INCORPORATION)**

**A**

**BILL**

**to incorporate the Saweera Foundation**

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*Presented by Hon. (Major) Pradeep Undugoda,*   
*M. P. for Colombo District on 10th of June, 2022*

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**[Bill No. 121]**

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| *Saweera Foundation (Incorporation)* | 1 |

AN ACTTOINCORPORATETHE SAWEERA FOUNDATION

WHEREAS a Centre called and known as the “Saweera Preamble Foundation” has heretofore been formed in Sri Lanka for the   
 purpose of effectually carrying out its objects and transacting   
 all matters connected with the said foundation according to   
5 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 incorporated, and it will be expedient to grant the said

10 application:

BE it therefore, enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

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| **1.** | This Act may be cited as the Saweera Foundation | Short title |

(Incorporation) Act, No. of 2022.

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| 15 | **2.** | From and after the date of commencement of this Act, | Incorporation |
| such and so many persons as now are members of the Saweera | | of the |
| Saweera |
| Foundation (hereinafter referred to as the “Foundation”) or | |
| Foundation |
| shall hereafter be admitted as members of the Corporation | |

hereby constituted, shall be a body corporate with perpetual 20 succession, under the name and style of the “Saweera Foundation” (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 alter the same at its pleasure.

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| 25 | **3.** | (1) The general objects for which the body in corporate | The general  objects of the body  corporate |
| is constituted are hereby declared to be— | |
| (*a*) | to conduct courses , lectures and seminars to |

encourage self- employment among the community, directing them to jobs and providing them with 30 necessary training and support;

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| 5 | 2 | *Saweera Foundation (Incorporation)* | body |
| (*b*) | to conduct specific skills development programmes |
| and workshops for school leavers and employed | |
| youths with a view to enhancing leadership skills | |
| and personality development in young men and | |
| women; | |
| 10 | (*c*) | to supply sanitary facilities, water and other |
| infrastructure to households of people living in | |
| poverty. | |
| (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, | |
| political opinion, place of birth or any of such grounds. | |
| **4.** | The objects of the body corporate shall be carried |
| 15 | out in such manner so as not to create any conflict between | | corporate to |
| ensure no |
| the work of the Body corporate and any work being carried | |
| conflict with |
| out simultaneously by any Ministry or Department of the | |
| work of |
| Government or any Provincial Council. | |
| Ministry or |

Department   
of the Central   
Government   
or Province

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| 20 | **5.** (1) Subject to the provisions of this Act Management | Management |
| of the affairs of the body corporate shall be carried out by a | of the Affairs |
| of the body |
| 25 | Board of Management (hereinafter referred to as “the Board”) |
| corporate |
| consisting of such number of office bearers as may be |
| specified by the rules made under section 7. |
| (2) The first Board of the Body corporate shall be |
| appointed or elected within one year of the date of |
| commencement of this Act. |
| (3) (*a*) Every office bearer of the Board including the |
| 30 |
| 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. |

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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 Body corporate, elect or appoint a person to fill such vacancy.

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| 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.

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| 10 | **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

|  |  |
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| 15 | 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;

(*b*) to raise funds and receive grants, gifts or donations, 20 in cash or kind with or without security:

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,

25 gifts or donations made to the Body corporate;

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

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| 30 | (*d*) to invest any funds not immediately required for the purposes of the Body corporate in such manner as |

the Board may determine;

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(*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;

5 (*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;

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

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| 15 | **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 |
| Corporate |
| 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:–

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

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| 20 | (*b*) | and fees payable by members; |
| 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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| 25 | (*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

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| 30 | sub-committee thereof, notices and agenda of such meetings, the quorum and the conduct of business |

thereat;

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| 5 | *Saweera Foundation (Incorporation)* | | 5 | Register of |
| (*e*) | the qualification and disqualification to be a | |
| member of the Board and the Body corporate; | | |
| (*f*) | the administration and management of the property | |
| of the Body corporate; and | | |
| (*g*) | the management of the affairs of the Body corporate | |
| 10 | and the accomplishment of its’ objects and | | |
| dissolution of the body corporate. | | |
| (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. | | |
| 15 | (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 |
| members be inscribed. | | |
| Funds of the |
| **9.** | (1) The Body corporate shall have its own Fund. | |
| 20 |
| Body |
| (2) All moneys received by way of gift, bequest, donation, | | |
| corporate |
| subscription, contribution, fees or grants for an account of | | |
| the Body corporate shall be deposited in one or more Banks | | |
| 25 | approved by the Board to the credit of the Corporation. | | | Accounts and |
| (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.** | (1) The financial year of the Body corporate shall | |
| 30 | Auditing |
| be the calendar year. | | |
| (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. | | |

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(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.

For the purpose of this section “qualified auditor”

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| 5 | means— | an individual who being a member of the |
| (*a*) |

Institute of Chartered Accountants of Sri Lanka, or any other institute established by law, possesses a certificate to practice as an 10 Accountant issued by the Council of such 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 15 or of any other institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such Institute.

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| 20 | **11.** | (1) The Board shall prepare a report of the activities | Annual |
| of the body corporate for each financial year and submit | | Report |

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 25 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.

(2) A separate account relating to the foreign and local 30 moneys received by the Body corporate during the financial year shall be attached to the report referred to in subsection (1).

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| *Saweera Foundation (Incorporation)* | | 7 | Debts due by and payable  to the Centre |
| **12.** | All debts and liabilities of the Foundation 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, and subscriptions and contributions payable 5 to the Centre on that day shall be paid to the Body corporate for the purpose of this Act.

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| 10 | **13.** | Subject to the provision of this Act, the Body | Body |
| corporate |
| corporate shall be able and capable in law, to take and hold | |
| may hold |
| any property movable or immovable which may become | |
| 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

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | dispose of the same. | | Application |
| **14.** | The moneys and property of the Body corporate |
| however derived shall be applied solely towards the | | of money |
| and property |
| promotion of the objects of the Body corporate and no | |

portion thereof shall be paid or transferred directly or 20 indirectly by way of dividend, bonus or profit to the members of the Body corporate.

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| 25 | **15.** | (1) The seal of the Body corporate shall not be | Seal of the |
| Body |
| affixed to any instrument whatsoever, except in the presence | |
| 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.

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| 30 | **16.** | (1) If upon the dissolution of the Body corporate | Property |
| there remains after the satisfaction of all its debts and | | remaining on |
| dissolution |
| liabilities, any property whatsoever, such property shall not | |

be distributed among the members of the Body corporate,

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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.

5 (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.

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| 10 | **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 |

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