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

**Part II of November 03, 2023**

**SUPPLEMENT**

*(Issued on 03.11.2023)*



**MOHAN ELLAWALA SOCIAL**   
**DEVELOPMENT FOUNDATION**   
**(INCORPORATION)**

*(Private Members’ Bill)*

**A**

**BILL**

**to incorporate the Mohan Ellawala Social Development Foundation**

*To be presented in Parliament by Hon. Akila Ellawala, M. P. for Ratnapura District*

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| *Mohan Ellawala Social Development* | 1 |

*Foundation (Incorporation)*

AN ACTTOINCORPORATETHE MOHAN ELLAWALA SOCIAL   
DEVELOPMENT FOUNDATION

WHEREAS a Foundation called and known as the “Mohan Preamble Ellawala Social Development Foundation” has heretofore   
 been formed in Sri Lanka for the purpose of effectually   
 carrying out its objects and transacting all matters connected   
5 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 10 be incorporated and it will be for the public advantage to grant such 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 Mohan Ellawala Social | Short title |
| Development Foundation(Incorporation) Act, No. of 2023. | |
| 20 | **2.** | (1) From and after the date of commencement of this | Incorporation |
| Act, such and so many persons as now are members of the | | of Mohan |
| Ellawala |
| Mohan Ellawala Social Development Foundation (hereinafter | |
| Social |
| referred to as the “Foundation”) or shall hereafter be admitted | |
| Development |
| as members of the Corporation hereby constituted, shall be a | | Foundation |

body corporate with perpetual succession, under the name and style of the “Mohan Ellawala Social Development Foundation” (hereinafter referred to as the “ body corporate”) and by that name may sue and be sued, in all Courts with full

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| 25 | power and authority to have and use a common seal and to alter the same at its pleasure. |

(2) The body Corporate 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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(Registration of the Supervision) Act, No. 31 of 1980 and the provisions of the Act shall apply to and in relation to the management of the affairs of the body corporate.

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| 5 | **3.** | The body corporate shall operates exclusively as a | Body |
| not-for profit Organization and it is solely for the society | | corporate |
| operates as a |
| and its members | |
| not-profit |
| **4.** | (1) The general objects for which the body corporate | Organization |
| The General |
| is constituted are hereby declared to be:– | | objects of the |

body

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| 10 | (*a*) | to plan, gather financial resources, implement and | corporate |
| carryout programmes with a view to cleave religious |

and cultural progress that would enhance peace,   
cordiality and understanding among Sinhala, Tamil,   
Muslim nationalities and Buddhist, Christian,   
Hindu and Islam religious groups;

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| 15 | (*b*) | to plan, raise fund and conduct programmes that |

contribute to conserve the environment for   
future generations preventing the degeneration of   
Sri Lanka;

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| 20 | (*c*) | to plan, implement and carryout programmes |
| relevant to Educational Development, Healthcare |

and Nutrition of children of low-income families in   
Sri Lanka;

(*d*) to donate houses and grant support to construct the   
 houses for the low-income families;

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| 25 | (*e*) | to provide material, financial and professional |

assistance for disabled children to improve their   
standard of life;

(*f*) to sponsor and provide subsidies for the affected   
 people at the emergency disaster situations;

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(*g*) to conduct carrrier guidance programmes and   
 sponsor in sport activities for young men and   
 women;

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| 5 | (*h*) | to implement programmes targeting to create |
| (*i*) | harmony among all religions; |
| to contribute environmental management and |

minimize the environmental destruction by   
establishing forestry projects;

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| 10 | (*j*) | to protect ancient places of heritage available in |
| the area; and to sponsor and contributing to |

programmes aiming at conservation of those for   
the future generation;

(*k*) to intervene directly and indirectly to enhance the   
 standard of life of different races engaged in

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| 15 | (*l*) | plantation industry; |
| to improve cultivation of farmers and to provide |

latest knowledge in order to uplift the social welfare   
and life standard of farmers and sponsoring for the   
welfare affairs of their childern;

|  |  |  |
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| 20 | (*m*) | to intervene directly in guidance connected with |
| inernationals by way of improving the traditional |

attitudes of people, indigenous medicine, art,   
cultural affairs and handicrafts;

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| 25 | (*n*) | to provide legal assistance and legal aid at the |
| (*o*) | common and communal issues depending on its |
| equity; |
| to provide necessary facilities to the people engaged |

for livelihood by way of town and urban   
decorations;

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| 30 | (*p*) | to sponsor for national festivals for which it is felt |

necessary to be given a contribution;

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(*q*) to develop peoples’ livelihood and counselling in   
 marketing guidance; and

(*r*) to implement appropritately the decisions regarding the current issues with the consent of the 5 foundation.

(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,

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| 10 | political opinion, place of birth or any of such grounds. | | Body |
| **5.** | 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 |
| Ministry or |
| Government or of any Provincial Council. | |
| Department |
| 20 | **6.** | (1) Subject to the provisions of this Act body | of |
| Government |
| or Province |
| Management |
| corporate shall be carried out by a Board of Management | | of the affairs |
| of the body |
| (hereinafter referred to as “the Board”) consisting of such | |
| corporate |
| number of office bearers as may be specified by the rules | |
| made under section 7. | |

(2) (*a*) The Board 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 elected in the manner 25 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.

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(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 5 of the said period of three years.

(*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.

10 (*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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| 15 | **7.** | 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 |
| perform and execute all such acts and matters as are necessary | | corporate |

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 20 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;

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| 25 | (*b*) | to raise funds and receive grants, gifts or donations |
| in cash or kind 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

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| 30 | grants, gifts or donations made to the body Corporate; |

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(*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 accouts in any banks;

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| 5 | (*d*) | to invest any funds that are not immediately |

required for the purposes of the body corporate 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 body corporate; |
| to appoint, employ, dismiss or terminate the services |

of officers and servants of the body corporte and exercise disciplinary control over them and to pay 15 them such salaries, allowances and gratuities as may be determined by the body corporate; and

(*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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| 20 | **8.** (1) It shall be lawful for the body corporate, from time | Rules of the |
| to time, at any general meeting and by the votes not less | body |
| corporatate |
| 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:—

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| 25 | (*a*) | the classification of membership, admission, |

withdrawal, expulsion or resignation of members   
and fees payable by the members;

(*b*) the election of the office bearers for the Board,   
 vacation or removal from of office bearers and the

30 powers, duties, and functions of the office bearers;

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(*c*) the terms and conditions of appointment, powers,   
 functions and duties of various officers, agents and   
 servants of the body corporate;

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| 5 | (*d*) | the procedure to be followed for the summoning |
| and holding of meetings of the Board, or any |

sub-committee thereof, notices and agenda of such   
meetings, the quorum and the conduct of business   
thereat;

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| 10 | (*e*) | the qualifications and disqualifications to be a |
| (*f*) | members of the Board and the body corporate; |
| the administration and management of the property |

of the body corporate; and

(*g*) the management of the affairs of the body corporate and the accomplishment of its objects and 15 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 times 20 be subject to the rules of the body corporate.

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

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| 25 | **9.** The Board shall maintain a register of members in | | Register of |
| which name, address and other essential details of the | | members |
| members be inscribed. | | Fund of the body  corporate |
| **10.** | (1) The body corporate shall have its own Fund. |

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(2) All moneys received by way of gifts, bequests, donations, subscriptions, contributions, fees or grants for and on account of the body corporate shall be deposited in one or more banks approved by the Board to the credit of the 5 body corporate.

(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 powers, duties and functions under this Act.

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| 10 | **11.** | (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 its income and expenditure, assets and liabilities and all other transactions of the body corporate.

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

(4) For the purposes of this section “a qualified auditor”

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| 20 | means– | an individual who, being a member of the Institute |
| (*a*) |

of Chartered Accountants of Sri Lanka, or any other   
institute established by law, possesses a certificate   
to practise as an Accountant, issued by the Council

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| 25 | (*b*) | of such Institute; or |
| 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 30 to practise as an Accountant issued by the Council of such Institute.

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**12.**  (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 5 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 10 report relates.

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

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| 15 | **13.** | All debts and liabilities of the Foundation existing | Debts due by |
| on the day preceding the date of commencement of this Act, | | and payable |
| to the |
| shall be paid by the body corporate hereby constituted, and | |
| Foundation |
| all debts due to, and subscriptions and contributions payable | |

to the Foundation on that day shall be paid to the body

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| 20 | corporate for the purposes of this Act. | | Body |
| **14.** | Subject to the provisions of this Act,the body |
| 25 | corporate shall be able and capable in law, to take and hold | | corporate |
| any property, movable or immovable, which may become | | may hold |
| vested in it by virtue of any purchases, grant, gift, | | property |
| testamentary disposition or otherwise and all such property | | movable and |
| shall be held by the body corporate for the purpose of this | | immoveble |

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.

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| 30 | **15.** | The moneys and property of the body corporate | Application |
| however derived shall be applied solely towards the | | of moneys |
| promotion of the objects of the body corporate and no | | and property |

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

35 of the body corporate.

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| **16.** | (1) The Seal of the body corporate shall not be | Seal of the  body  corporate |
| affixed to any instrument whatsoever, except in the presence of two members of the Board who shall sign their names to | |

the instrument in token of their presence and such signing 5 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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| 10 | **17.** | (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 15 which is by the rules thereof, prohibited from distributing any income or property among its members.

(2) For the purposes of subsection (1), the appropriate institution shall be determined by the members of the body corporate immediately before the dissolution at a general

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| 20 | meeting by the majority of votes of the members present. | | Savings of |
| **18.** | Nothing in this Act contained shall prejudice or |
| 25 | affect the rights of the Republic or of any body politic or | | the rights of |
| the Republic |
| body corporate. | |
| and others |
| **19.** | 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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| *Mohan Ellawala Social Development* | 11 |

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