

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

*————————*

**YOHAN PATHIRANA FOUNDATION**   
**(INCORPORATION)**

**A**

**BILL**

**to incorporate the Yohan Pathirana Foundation**

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*Presented by the Hon. Udayana Kirindigoda, M.P.*   
*for Mahanuwara District on 15th of November, 2023*

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**[Bill No. 217]**

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| *Yohan Pathirana Foundation (Incorporation)* | 1 |

AN ACTTOINCORPORATETHE YOHAN PATHIRANA FOUNDATION

WHEREAS a Foundation called and known as the Preamble “Yohan Pathirana Foundation” has heretofore been formed   
 for the purpose of effectually carrying out and transacting   
 the objects and matters connected with the said foundation   
5 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 which it was formed and has applied to be incorporated and it will be for the public advantage to grant 10 such application:

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

**1.** This Act may be cited as the Yohan Pathirana Short title Foundation (Incorporation) Act, No. of 2023

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| 15 | **2.** | From and after the date of commencement of this Act, | Incorporation |
| of the Yohan |
| such and so many persons as now are members of the “Yohan | |
| Pathirana |
| Pathirana Foundation” (hereinafter referred to as the | | Foundation |

“Foundation”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate 20 with perpetual succession, under the name and style of “Yohan Pathirana Foundation” (hereinafter referred to as the “Body Corporate”) and by that name may sue and be sued and have full power and authority to have and use a common seal and to alter the same at its pleasure.

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| 25 | **3.** | The general objects for which the body corporate is | General |
| constituted are hereby declared to be— | | objects of the |
| body corporate |

2 *Yohan Pathirana Foundation (Incorporation)*

(*a*) to take measures to protect the discipline and   
 cultural values of the people;

(*b*) to work towards to protect and develop all rights of   
 women and children;

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| 5 | (*c*) to promote peace, goodwill, understanding and cooperation among all communities and people of Sri Lanka; and |

(*d*) to liaise and co-ordinate with other local and foreign   
 institutions which have similar objects.

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| 10 | **4.** | (1) The affairs of the body corporate shall, subject to | Management |
| the other provisions of this Act and the rules in force for the | | of the Affairs |
| of the body |
| time being of the corporation be administered by a | |
| corporate |
| 15 | Committee of Management constituting of Chairman, | |
| Secretary, Treasurer and another eleven members elected in | |
| accordance with such rules. | |

(2) The first Committee of Management shall consist of the members of the Committee of Management holding office on the day immediately preceding the date of commencement of this Act.

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| 20 | **5.** | Subject to the provisions of this Act and any other | General |
| written law, the body corporate shall have the power to do, | | Powers of the |
| perform and execute all such acts, matters and things | | body |
| corporate |
| 25 | whatsoever as are necessary or desirable for the promotion | |
| or furtherance of the objects of the body corporate or any | |
| one of them, including the power to aquire and hold property | |
| 30 | moveable, to open, operate, and close bank accounts, to | |
| borrow or raise moneys with or without security, invest the | |
| moneys with or without security to erect and building or | |
| structures on any land held by of the body corporate and to | |
| engage, employ and dismiss officers and servants required | |

for the carrying out of the objects of the body corporate.

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| **6.** | (1) It shall be lawful for the body corporate, from | Rules of the  body  corporate |
| time to time, at any general meeting of the members and by a majority of not less than two-thirds of the members | |

*Yohan Pathirana Foundation (Incorporation)*  3

present to make rules not inconsistent with the provisions of this Act or any other written law, on all or any of the following matters:—

(*a*) the classification of members, and addmission, 5 withdrawal, expulsion of members;

(*b*) the election of the office bearers, the resignation   
from, vacation of or removal from office of office-  
bearers and their powers, conduct and duties;

(*c*) the election of the members of the Committees of 10 the Management and its powers, conduct and duties;

(*d*) the procedure to be observed for the summoning and holding of meetings of the Committee of Management or sub Committee and of the time, places, notices and agenda of such meetings, the 15 quorum thereof and the conduct of business thereof;

(*e*) the powers, conduct, duties and functions of the   
various officers, agents and servants of the   
Corporation;

(*f*) the administration and management of the porperty 20 of the Corporation, the custody of its fund and the maintenance and audit of its accounts; and

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

(2) Any rule made by the body corporate may be amended, 25 altered, added to or rescinded at a like meeting and in like manner as a rule made under subsection (1).

(3) Every members of the body corporate shall be subject to the rules of the body corporate.

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| 4 | *Yohan Pathirana Foundation (Incorporation)* | Debts due by and payable to the  foundation |
| **7.** | All debts and liabilities of the Foundation on the day |
| preceding the date of commencement of this act, shall be paid and discharged by the Corporation hereby constituted | |

and all debts due to, subscriptions and contributions payable 5 to the Foundation on that date shall be paid to the body corporate for the purposes of the Act.

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| 10 | **8.** | (1) The body corporate shall have its own fund and | Fund of the |
| body |
| all moneys heretofore or hereafter to be received by way of | |
| corporate |
| gifts, bequest, donations, subscription, contributions, fees | |
| or grants for and on account of the corporation shall be | |

deposited to the credit of the body corporate in one or more banks as the Committee of Management shall determine.

(2) There shall be paid out of the fund, all sums of money required to defray any expenditure incurred by the body 15 corporate in the exercise, performance and discharge of its powers, duties and functions under this Act.

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| 20 | **9.**  The body corporate shall be able and capable in law, | Body |
| to acquire and hold any property, moveable and immovable, | corporate |
| may hold |
| which may become vested in it by virtue of any purchase, |
| property |
| grant, lease, gift, testamentary disposition or otherwise, and | moveable |
| and |
| all such property shall be held by the body corporate for the |
| immovable |

purposes of this Act, and subject to the rules in force for the time being of the body corporate with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

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| 25 | **10.** | If upon the dissolution of the body corporate there | Property |
| remaining on |
| remains after the satisfaction of all its debts and liabilities | |
| dissolution |
| any property whatsoever, such property shall not be | |

distributed among the members of the body corporate, but shall be given or transferred to some other institution or

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| 30 | institutions having objects similar to those of the body corporate and which, is or are by its or their rules prohibited |

from distributing any income or property among their members.

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| *Yohan Pathirana Foundation (Incorporation)* | | 5 | Audit and  accounts of  the body |
| **11.** | (1) The financial year of the body corporation shall | |
| be the calendar year. | | |

corporate (2) The body corporation shall cause proper accounts to   
 be kept of all moneys received and expended, by the body   
5 corporation.

(3) The accounts of the body corporation shall be examined and audited at least once in every year and the correctness of income and expenditure account and balance sheet certified by a qualified auditor appointed by the Committee of 10 Management.

(4) In this section “a qualified auditor” means–

(*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

15 to practise as an 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 or of any other 20 institute established by law possesses a certificate to practise as an Accountant issued by the Council of such Institute.

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| 25 | **12.** | (1) The Seal of the body corporate shall not be | Seal of the |
| affixed to any instrument whatsoever expect in the presence | | body |
| corporate |
| of two members of the Committee of Management, 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.

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| 5 | 6 | *Yohan Pathirana Foundation (Incorporation)* | Saving of the |
| **13.** | Nothing in this Act contained shall prejudice or |
| affect the rights of the Republic or of any body politic or | | rights of the |
| Republic and |
| body corporate or of any other person expect 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 |
| prevail. | | case of |
| inconsistency |

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| *Yohan Pathirana Foundation (Incorporation)* | 7 |

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