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

**Part II of June 29, 2024**

**SUPPLEMENT**

*(Issued on 01.07.2024)*



**MAHAWILACHCHIYA EDUCATION CENTRE FOR CHILDREN (INCORPORATION)**

*(Private Members’ Bill)*

**A**

**BILL**

**to incorporate the Mahawilachchiya Education Centre for Children**

*To be presented in Parliament by Hon. Samanpriya Herath, M.P. for Kurunegala District*

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| *Mahawilachchiya Education Centre for Children* | 1 |

*(Incorporation)*

AN ACT TO INCORPORATE THE MAHAWILACHCHIYA EDUCATION   
CENTREFOR CHILDREN

WHEREAS a centre for Education called and known as Preamble the “Mahawilachchiya Education Centre for Children”  
 has been established in Sri Lanka for the purpose of   
 effectually carrying out its objects and transacting all matters   
5 connected with the said Centre according to the rules agreed   
 to by its members:

AND WHEREAS the said Centre which has heretofore successfully carried out and promoted the several objectives and matters for which it was established, and has applied to 10 be incorporated, and it will be to that advantage of the public if the said application is granted :

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 Mahawilachchiya Education | Short title |
| Centre for Children (Incorporation) Act, No. of 2024. |
| 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 the |
| Mahawilachciya |
| “Mahawilachchiya Education Centre for Children” |
| Education |
| (hereinafter referred to as the “Centre”) shall hereafter be | Centre for |
| Children |
| admitted as members of the body corporate hereby |

constituted which shall have perpetual succession under the name and style of the “Mahawilachchiya Education Centre for Children” (hereinafter referred to as the“body corporate”) and by that name may sue and be sued,

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

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(2) The body corporate shall be deemed to be a Voluntary Social Services Organization within the meaning and for the purpose of the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 5 1980 and the provisions of that Act shall apply to it and to the management of the affairs of the body corporate.

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| 10 | **3.** (1) Subject to the provisions of any written law, the | General |
| general objects for which the body corporate is constituted | objects of the |
| body |
| are to : | corporate |
| (*a*) Conduct educational and skills development |

programmes to better equip youth to meet the needs   
of job opportunities of the future and acheive their   
goals ;

(*b*) Establish a traning Centre for Information

15 Technology (IT) - related services ;

(*c*) Provide and/or arrange Information Technology (IT) - related services for the youth in rural areas ;

(*d*) Conduct all such programmes as needed from time to time to enchance skills and learning ;

20 (2) In the implementation of the objectives specified in subsection (1) body corporate shall ensure that such implementation will be carried out without any distinction based on race, religion, language, caste, gender, political opinion, place of birth or such other ground.

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| 5 | **4.** The objectives of the body corporate shall be carried | Body |
| Corporate to |
| out subject to/with the necessary approvals under applicable/ |
| ensure no |
| the relevant written laws and in such manner as to avoid any | conflict with |
| conflict between the work of the body corporate and of any | the work of |
| Ministry or |
| work being carried out simultaneously by any Ministry, |
| Department |
| Department of the Government or of any Provincial Council. | of the |
| Government |

or Provincial   
Council and   
Management   
of affairs of   
the body   
corporate

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| 10 | **5.** (1) Subject to the provisions of this Act and the Rules | The |
| made in Section 7 the management and administration of | management |
| of the affairs |
| the body corporate shall be carried out by a “Board of |
| of the body |
| Directors” (hereinafter referred to as the “Board”) consisting | corporate |

of such office bearers as may be specified by the rules under Section 7.

(2) (*a*) The members of the Board of Directors of the Centre holding office on the day immediately 15 preceding the date of commencement of this Act shall, subject to the rules made under paragraph (*b*), function as an Interim Board of the body corporate until the first Board is appointed or elected within the period

20 specified in paragraph (*d*) in the manner provided for in the rules under Section 7;

(*b*) Subject to the provisions of Section 7, the   
Interim Board of the body corporate shall have   
the power to make rules for the interim

25 administration of the body corporate not inconsistent with the provisions of this Act or any other written law ;

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(*c*) Any decision of the Interim Board shall be   
taken by the majority of its members present at   
any meeting ;

(*d*) The first Board of the body corporate shall be 5 appointed 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 advisers, shall be appointed or elected for a period of three years and any such 10 office bearer, patron or advisor shall be eligible for re-appointment or re-election after the lapse of the said period of three years for a further period of three years ;

(*b*) In the event of a vacancy occuring due to death, 15 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 ;

(4) Subect to the provisions of this Act, the Board 20 shall decide from time to time.

(*a*) on the criteria required to be satisfied by any person to be eligible for membership ;

(*b*) the different classes/categories of members (including honorary members) ;

25 (*c*) the rights and obligations of the members including the righ to vote, if any ;

(*d*) the circumstances in which and how the membership shall cease ;

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(5)No members of the Board shall be appointed to any salaried office in the Centre or any of the offices of the Centre paid by fees No remuneration or other monetary benefits shall be given by the Centre to any member of the Board, 5 except reimbursement of expenses incurred on behalf of the Centre.

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| **6.**  Subject to provisions of this Act and any other written law, the body corporate shall have the power to do, perform | Powers of the corporate |

and execute all such acts and matters as are necessary or 10 desirable for the promotion and furtherance of the objectives of the body corporate or any one of them, including the power -

(*a*) to purchase, rent, construct, renovate and otherwise obtain lands or buildings which may be required for 15 the purpose of the body corporate and to deal with or dispose of the same as may be determined by the Board with a view to promoting the objectives of the body corporate ;

(*b*) to enter into and perform or carry out, whether directly 20 or through any officer or agent authorized on that behalf by the body corporate, all such contracts or agreements as may be necessary for the attainment of the objectives or the exercise of the powers of the body corporate ;

25 (*c*) to borrow or raise funds with or without securities and to receive grants, gifts or donations from local or foreign sources in cash or kind :

Provided that, the Board shall obtain the prior   
written approval of the Department of External

30 Resources in respect of all foreign funds, grants, gifts or donations received by or made to the body corporate ;

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(*d*) to make, draw, accept, discount, endorse, negotiate, buy sell and issue bills or exchange, cheques, promissory notes and other negotiable instruments and to open, operate, maintain and close accounts in 5 any bank ;

(*e*) to invest any funds that are not immediately required for the purpose of the Body Corporate, in such manner as the Board may determine ;

(*f*) to undertake, accept, execute, perform and administer

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| 10 | any lawful trust having objectives similar to those of the Body Corporate or any real or personal property |

with a view to promoting the objects of the body   
corporate ;

(*g*) to appoint, employ, dismiss or terminate the services 15 of officers and other employees of the body corporate and exercise disciplinary control over them and to pay them such salaries, allowances as may be determined by the body corporate ;

(*h*) to organize, lectures, seminars and conferences with 20 a view to promoting the objectives of the body corporate ;

(*i*) to liaise and to co-ordinate with other local and   
foreign institutions having similar objectives to those   
of the body corporate ;

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| 25 | (*j*) to train employees in Sri Lanka for the purpose of the body corporate ; and |

(*k*) to do all such acts authorized by this Act for the achievement of the objectives of the body corporate.

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| 30 | **7.** (1) It shall be lawful for the body corporate, from time | Rules of the |
| to time, at any general meeting of the body corporate and by | body |
| Corporate |
| a majority of not less than two-thirds of the members present |

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and voting, to make ruels, not inconsistant with the provisions of this Act or any other written law, relating to the following matters :-

(*a*) the fees payable by members ;

5 (*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 or the office bearers ;

(*c*) the terms and conditions of appointment, powers, functions and duties of various officers and other 10 employees of the body corporate ;

(*d*) the procedure to be followed in summoning and holding of meetings of the body corporate and the Board, including notices and agenda of such meetings, the quorum and the conduct of business 15 thereat ;

(*e*) the qualifications and disqualifications to be a member of the Board and the body corporate ;

(*f*) the administration and management of the property   
 of the body corporate ;

20 (*g*) the procedure for and manner of liaising and coordinating with other local and foreign insstitutions having objectives similar to that of the body corporate ; and

(*h*) generally the management of the affairs of the body

25 corporate and the dissolution of the body corporate.

(2)Any rule 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) of this section.

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(3) The rules made under subsection (1) shall be published in the *Gazette* and shall come into effect on the date thereof.

(4) Every rule made by the body corporate shall, within three months of its publication in the Gazette, be brought 5 before the Parliament for approval. Any rule which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any such rule is 10 deemed to be so rescinded under subsection (4) shall be published in the Gazette.

(6) The members of the body corporate shall, at all times be subject to the rules of the body corporate.

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| 15 | **8.** The Board shall maintain a register of members of the | Register of |
| Centre in which the name, address and other essential details | the members |

of the members shall be inscribed.

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| **9.** (1) The body corporate shall have its own Fund. (2) All monies received by way of gift, bequest, | Funds of the body  Corporate |

donation, subscription, contribution, fees or grant for and 20 on account of the body corporate shall be deposited in one or more banks approved by the Board to the credit of the body corporate subject to the provisions of Section 6(C).

(3) All such money a may be required to defray expenditure incurred by the body corporate in the exercise,

25 performance and discharge of its duties, powers, functions and obligations under this Act, shall be paid out of the funds.

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| **10.** (1) The financial year of the body corporate shall be the calendar year. | Accounting  and Auditing |

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(2) The body corporate shall cause proper accounts to be maintained in respect of its income and expenditure, assets and liabilities and all other transactions of the body corporate.

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

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| 10 | (4) For the purpose of this section “qualified auditor”means- |

(*a*) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka or any other relevant Institute established by law, possesses a 15 certificate issued by the Council of such Institute to practise as an Accountant ; or

(*b*) a firm of Accountants of which each of the resident partners is a member of the Institute of Chartered Accountants of Sri Lanka or of any other relevant 20 institute established by law, possesses a certificate to practice as an Accountant, issued by the Council of such institute.

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| 25 | **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 |

and a list of all assets and liabilities of the body corporate certified by the Auditor - General or qualified Auditor or a qualified auditor referred to in Section 10, to the Secretary of the Ministry of the Minister assigned the subject of 30 Education and to the Registrar of the Voluntary Social Service 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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A separate statement of accounts relating to the foreign and local monies received by the body corporate and details of all contracts and agreements entered into by the body corporate and the rules of the body corporate under Section

5 7 during the financial year shall be attached to the report referred to in subsection (1).

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| 10 | **12.** All debts and liabilities of the Centre existing on the | Debts due by |
| day immediately preceding the date of commencement of | and payable |
| to the Centre |
| this Act, shall be paid by the body corporate hereby |
| constituted and all debts due to and subscriptions and |

contributions payable to the Centre on the day shall be paid to the body corporate for the purpose of this Act.

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| 15 | **13**. Subject to the the provisions of this Act and any other | The body |
| corporate |
| written law the body corporate shall be able and capable in |
| may hold |
| law to have and hold any property, movable or immovable, | movable and |
| which may become vested in it by virtue of any purchase, | inmmovable |
| property |
| grant, gift, testamentary disposition or otherwise, and all |

such property shall be held by the body corporate for the purpose of this Act and subject to the rules of the body 20 corporate made under Section 7, with power to sell, mortgage, lease, exchange or otherwise dispose of the same.

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| 25 | **14**. Subject to the provisions of this Act, the income and | Application |
| property of the body corporate howsoever derived shall be | of monies |
| and property |
| utilized solely towards the promoting the objectives of the |
| body corporate and no portion thereof shall be paid or |

transferred directly or indirectly by way of divided, bonus or profit or otherwise howsoever to members of the body corporate provided that nothing herein shall prevent the payment in good faith of reasonable and proper remuneratioin 30 to any officer or servant of the body corporate or any members of the body corporate in return for any services actually rendered to the body corporate.

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| **15.** (1) The seal of the body corporate shall not be affixed to any instrument whatsoever, except in the presence of two members of the Board or one member of the Board and | Seal of the  body  corporate |

Secretary of the body corporate or one member of the Board 5 and some other person appointed by the Board for the purpose who shall assign 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 10 custody of an office bearer of the Board as may be decided by the Board.

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| 15 | **16.** (1) If upon the winding up or dissolution of the body | Property |
| corporate, there remains after the satisfaction of all its debts | remaining on |
| dissolution |
| and liabilities any property whatsoever, such property shall |
| not be distributed among the members of the body corporate, |

but shall be given or transferred to any other institution having objectives similar to those of the body corporate. Such institution or institutions by the rules thereof will be prohibited from distributing its or their income or property 20 among its or their members.

(2) For the purpose of subsection (1) of the appropriate institution or institutions shall be determined by the members of the body corporate immediately at or before the time of dissolution at a general meeting by the majority of votes of 25 the members present.

(3) In determining such institution or institutions so far as effect cannot be given to subsection (1), any property so remaining shall be utilized for some charitable objective, to be determined by the members in accordance with 30 subsection (2).

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| **17**. Nothing contained in this Act shall prejudice or affect the rights of the Republic or of any body politic or corporate. | Saving of the rights of the Republic and |

others

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| **18.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | Sinhala text to prevail in case of |

inconsistency

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| *Mahawilachchiya Education Centre for Children* | 13 |

*(Incorporation)*

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