

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

Part II of December 04, 2015

SUPPLEMENT

(Issued on 07. 12. 2015)



**DAYA SARANA DEVELOPMENT FOUNDATION
(INCORPORATION)**

(Private Member's Bill)

A

BILL

to incorporate the Daya Sarana Development Foundation

*To be presented in Parliament by Hon. (Dr.) Mrs. Thusitha Wijemanna
M. P. for Kegalle District*

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 8.00

Postage : Rs. 10.00

Daya Sarana Development Foundation
(Incorporation)

AN ACT TO INCORPORATE THE DAYA SARANA DEVELOPMENT
FOUNDATION

WHEREAS a Foundation called and known as the Preamble.
“Daya Sarana Development Foundation” has been
established in Sri Lanka for the purpose of effectually
carrying out and transacting all objects and matters
5 connected with the said Foundation according to the rules
agreed to the 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
10 be incorporated and it will be for the public advantage to
grant the 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 Daya Sarana Short title.
15 Development Foundation (Incorporation) Act,
No. of 2016.

2. From and after the date of commencement of this Incorporation
Act, such and so many persons as now are members of the of Daya
Daya Sarana Development Foundation (hereinafter referred Sarana
20 to as “the Foundation”) or shall hereafter be admitted as Development
now are members of the Corporation hereby constituted, Foundation.
shall be a body corporate (hereinafter referred to as the
“Corporation”) with perpetual succession under the name
and style of the “Daya Sarana Development Foundation”,
25 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 to
alter the same at its pleasure.

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3. The general objects for which the Corporation is constituted are hereby declared to be:—

General
objects of the
Corporation.

- 5 (a) to promote religious harmony, mutual understanding, spiritual development , goodwill and friendship among the youth in the area through religious , cultural, educational and economic interaction;
- 10 (b) to protect, support and ensure welfare, interests, safety, integrity and status of people in the area and to safeguard their rights and privileges;
- 15 (c) to provide for the physical welfare and personal development of teenagers through youth development centers including gumasiums;
- 20 (d) to provide additional educational support by giving necessary training in various fields which will enhance their personal qualification levels in order to meet the competition and necessary requirements in finding employment;
- 25 (e) to hold and conduct periodical technical training camps for the youth to develop their skills with the ultimate aim of projecting them towards finding suitable employment;
- (f) to establish carpentry and masonry and any other suitable vocational training school in central towns and the like with a view to educate and train youth for a vocation;
- 30 (g) to establish motor mechanism training centers (Garages) in the area in order to train the youth in motor vehicle repair trade and arrange periodical lectures conducted by professionals in the trade;
- (h) to liaise with the Foreign Employemtn Bureau under the Central Government to facilitate applications from eligible youth in the area and recommend them for suitable foreign job opportunities;

- (i) to conduct evening and week-end classes to uplift the knowledge and spoken ability of rural youth in the international language (English) which is a necessity in getting employment;
 - 5 (j) to set-up an Employment Bank which will collect data of youth in the area together with their educational qualifications in order to find suitable employment in keeping with their educational standards, capabilities and experience;
 - 10 (k) to encourage, advice, aid and assist youth financially and otherwise to develop their personal skills for self employment and also find markets for products of those self-employed persons;
 - 15 (l) to undertake feasibility studies in the agricultural, industrial, technical and other allied fields and to promote the general economic and social welfare of the people of the area;
 - 20 (m) to aid and assist youth to commence and operate cottage industries for self employment with a view to uplift their living standards;
 - 25 (n) to provide agricultural equipment/machinery for youth to develop and facilitate agricultural and industrial project in the area.
- 4.** Subject to the provisions of this Act and any other written law, the Corporation shall have the power including the following powers to do, perform and execute all such acts, matters and things whatsoever as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them:—
- 30 (a) to procure the Corporation to be registered, incorporated or otherwise empowered or represented or to open liaison offices in any country or place outside the Democratic Socialist Republic of Sri Lanka;

General
Powers of the
Corporation.

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- (b) to receive or collect grant, gifts, donations, subsidies, endowments and subscriptions whether in cash or in material from donors in Sri Lanka or elsewhere;
- 5 (c) to collect necessary funds for the achievement of the objectives from well wishers by way of donations, variety shows, Non-Governmental Organizations and by other means;
- 10 (d) to take responsible, just and legitimate steps to remove obstacles to the attainment of the above objects;
- 15 (e) to purchase, take on lease or exchange, hire or otherwise acquire any movable property and any rights, privileges necessary or expendent for promotion of the objects of the Corporation and to construct, maintain and alter any buildings or erections required for the work of the Corporation;
- 20 (f) to receive, purchase, sell or acquire all forms of properties both movable or immovable, shares in commercial, industrial and banking enterprises and to accept property bequeathed by deed, last will or codicil;
- 25 (g) to collaborate with, assist and receive assistance from other persons and or organizations engaged in similar activities, whether in Sri Lanka or elsewhere;
- 30 (h) to maintain liaison and affiliation with other related organizations and to enter into agreement with persons or organizations in Sri Lanka or elsewhere in pursuance of the vision and objectives of the Corporation;
- (i) to enter in to any contract or agreement with any person, government, organization, company or institution whether in Sri Lanka or elsewhere;

- (j) to open and maintain current, saving and deposit accounts with any bank or other similar institutions;
 - 5 (k) to borrow moneys for the purpose of the Corporation on such terms and conditions and with or without security as may be determined from time to time;
 - 10 (l) to make, repeal, alter or amend Rules and Regulations defining the manner of management of the corporation and all necessary-by-laws or ordinance for the regulations and conduct of its affairs and the various branches of its activities;
 - (m) in general to undertake such other lawful things from time to time as are incidental or conducive and shall be deemed necessary for the promotion of the ideas and object of the Corporation;
 - 15 (n) to invest the moneys of the Corporation not immediately required for its purposes in or upon such investments, securities or property as may be thought fit subject nevertheless to such conditions as may for the time being be imposed or required by law;
 - 20 (o) to make, draw, accept, discount, negotiate, buy, sell and issue bills of exchange, cheques, promissory notes and other negotiable or transferable instruments or securities;
 - 25 (p) to do all such other acts and things as may be necessary incidental or beneficial to fulfill and accomplish the objects of the Corporation.
5. (1) The management of the affairs of the Corporation shall be managed by a Committee of Management consisting of number of members not exceeding fifteen. It shall have a President, Vice President, administrative Secretary, Treasurer and such Officers and staff to perform such duties as the Corporation may determine.
- Management of the activities of the Corporation.

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(2) The Founder Member Mr. Daya Dharmapala Kilittuwa Gamage, shall be the first President of the Committee of Management. Any casual vacancy occurring in the Committee of Management shall be filled by the Committee
5 itself subject to ratification by the General Body at its very next meeting. The quorum for a Committee of Management shall be one third of the Members of the Committee.

(3) The first Committee of Management of the Corporation shall be the Committee of Management of the
10 Foundation holding office on the day preceding the date of commencement of this Act.

6. (1) It shall be lawful for the Corporation to make rules with regard to the matters listed below for or any of them
15 from time to time, at any general meeting of the Corporation and by a majority of not less than two-thirds of the members present and voting to make such rules, as are not inconsistent with the provisions of this Act or any other written Law:—

Rules of the Corporation.

(a) The election, appointment or nomination of members of the Committee of Management and their
20 powers and duties and terms of office;

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

(c) The procedure to be observed at the, summoning and holding of meeting of the corporation and of the Committee of Management, the time place, notice and agenda of such meetings, the quorum and the general conduct of such meeting;
25

(d) Qualifications and disqualifications for the membership of the Board Management of the Corporation;
30

(e) Administration, Management and custody of the assets of the Corporation and maintenance and auditing of its funds and accounts;

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(f) General administration of the Corporation and realization of its objects.

(2) Any such rule when made under subsection one (1) above, may at a like meeting and in like manner be altered,
5 added to, amended or rescinded.

(3) The rules of the Corporation in force on the day immediately preceding the date of commencement of this Act, shall in so far as they are not inconsistent with the provisions of this Act or any other written Law, be deemed
10 to be rules of the Corporation made under this section.

(4) The members of the Corporation shall be subjected to the rules of the Corporation for the time being and such rules when made may at a like meeting be altered, added to, amended or cancelled.

15 **7.** The seal of the Corporation shall not be affixed to any instrument, except with the authority of a resolution of the Committee of Management and shall be authenticated by the signature of the President and Secretary or some other two members as may be named for that purpose. Seal of the Corporation.

20 **8.** All debts and liabilities of the Foundation on the day preceding the date of commencement of this Act shall be paid to the Corporation hereby constituted and all debts due to and subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation for
25 the purpose of this Act. Debts due by and payable to the Foundation.

30 **9.** (1) The Corporation shall have its own fund and all the sums of money granted or donated to the Corporation by any foreign or local public or private authority or individual, and all the sums of money received by the Corporation in the carrying on of its affairs shall be credited to the fund. Fund of the Corporation.

(2) The funds of the Corporation which are not immediately necessary, shall be deposited in any Bank or other institution and the proceeds by way of interest on such deposits shall be utilized for the purposes of the Corporation.

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(3) The Committee may exercise all the powers of the Corporation to borrow money and to mortgage or charge its undertaking any property or any part thereof as security for any debt liability or obligation of the Corporation or of any
5 third party.

(4) All sums of money required to defray any expenditure incurred by the Corporation in carrying on its affairs or in the exercise and performance of its functions and duties and in furtherance of its objects and purposes shall be paid out
10 of the fund.

(5) The Bank account or Accounts of the Corporation with any Bank or Banks shall operate and all cheque drawn signed and endorsed by the President or Vice President or Secretary of the Committee of Management and the Treasurer
15 together.

In this preragraph the words "President", "Secretary" and "Treasurer" shall include any acting President, Secretary or Treasurer.

10. (1) The Corporation shall cause proper accounts to
20 be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation. Audit and Accounts.

(2) The books of Accounts of the Corporation shall be kept at the registered office and open to inspection by every member of the Corporation.

25 (3) The Corporation shall have its accounts audited each audit year by any qualified public auditor or auditors to be nominated at the Annual General Meeting and the auditors of the corporation shall examine the accounts of the corporation and furnish a report on the accounts examined
30 by them and the report shall state :-

(a) whether they have or have not obtained all the information and explanations required by them and;

- (b) whether accounts of the Corporation are properly drawn up so as to exhibit a true and fair view of the affairs of the Corporation;
- 5 (c) the accounts will have its legal validity after auditing and approval of the Committee of Management.

In paragraph the word “Qualified Auditor” means—

- 10 (a) an individual who being a member of the Institute of Chartered Accountants Sri Lanka, or of any other institute established by law, processes a certificate practice as an Accountant issued by such institute; or
- 15 (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 processes a certificate to practice as an Accountant issued by such institute.

20 **11.** Nothing contained in this Act shall prejudice or affect the rights of the Republic or of any body politic or corporate, or any of other persons, except such as are mentioned in this Act, and those claiming by form, or under them.

Protection of the rights of the Republic and others.

25 **12.** In the event of any inconsistency between the Sinhala and Tamil text of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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