

# PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

## HESHA FRIENDSHIP FOUNDATION (INCORPORATION)

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**BILL** 

to incorporate the Hesha Friendship Foundation

Presented by the Hon. Harshana Rajakaruna, M. P. for Gampaha District on 06th of September, 2023

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### Hesha Friendship Foundation (Incorporation)

#### An ACT TO INCORPORATE THE HESHA FRIENDSHIP FOUNDATION

WHEREAS an Association called and known as the Preamble "Hesha Friendship Foundation" has heretofore been formed in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said 5 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 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 Hesha Friendship Short title Foundation (Incorporation) Act, No. of 2023.
- 2. From and after the commencement of this Act, such and so many persons as now are members of the "Hesha Friendship Foundation" (hereinafter referred to as the "Foundation") or shall hereafter be admitted as members of the Corporation hereby constituted shall be a body corporate with perpetual succession, under the name and style of "Hesha Friendship Foundation" (hereinafter referred to as the "Corporation") and by that name may sue and be sued and have full power and authority to have and use a common seal and alter the same at its pleasure.
- 25 **3.** The general objects for which the Corporation is General objects of the constituted are hereby declared to be—

  Corporation
  - (a) to provide provision to protect, maintain discipline and cultural ethics;
- (b) to extend support to services rendered by senior citizens organizations and to encourage such organization:

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- (c) to implement social mobilization programs and educational and training programs for the development of the children and women;
- (d) to liaise and co-ordinate with other local or foreign 5 institutions which have similar objects.
- 4. (1) The management of the affairs of the Corporation Management shall, subject to the rules corporation, be administered by of the affairs Committee of Management consisting of not more than of the eleven office bearers inclusive of the Chairman, Secretary, 10 Treasurer and such number of members as may be provided or in rules and elected in accordance therewith.

- (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 15 of this Act and shall continue to hold office until a new Committee of Management is elected in accordance with the rules in section 6 of this Act.
- 5. Subject to the provisions of this Act and any other General written law, the Corporation shall have the power to do, Powers of the 20 perform and execute all such acts, matters and things Corporation whatsoever as are necessary or desirable for the promotion or furtherance of the objects of the Corporation or any one of them, including the power to acquire and hold property movable, to open, operate and close bank accounts, to borrow 25 or raise moneys with or without security, to erect any building or structures on any land held by the Corporation and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the Corporation.

**6.** (1) It shall be lawful for the Corporation, from time Rules of the 30 to time, at any general meeting of the members and by a Corporation majority of not less than two-thirds of the members present to make rules, not inconsistant with the provisions of this Act or any other written law, on all or any of the following matters:-

- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members;
- (b) the election of office bearers, the resignation from, vacation of or removal from office bearers and their powers, conduct and duties;

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- (c) the election of the members of the Committee of the Management and its powers, duties and conduct and the terms of office of members of the Committee of Management;
- 10 (d) the powers, duties and functions and conduct of the officers, agents and servents of the Corporation;
  - (e) the procedure to be observed at and the summoning and holding of meetings of the Committee of Management, the times, places, notices and agenda of such meetings, the quorum thereof and the conduct of business thereat;
    - (f) the administration and management of the property of the Corporation, the custody of its funds and the maintenance and audit of its accounts; and
- 20 (g) the management of the affairs of the Corporation, and the accomplishment of its objects.
  - (2) Any rule made by the Corporation may be amended, altered, added to or rescinded at a like meeting and in like manner as a rule made under subsection (1).
- 25 (3) Every member of the Corporation shall be subject to the rules of the Corporation.

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7. All debts and liabilities of the Foundation on the Debts due by day preceding the date of commencement of this Act, shall and payable be paid and discharged by the Corporation hereby Foundation constituted and all debts due to, subscriptions and 5 contributions payable to the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

to the

8. (1) The Corporation shall have its own fund and all Fund of the moneys heretofore or hereafter to be received by way of gifts, bequests, donations, subscriptions, contributions, fees 10 or grants for and on account of the Corporation shall be deposited to the credit of the Corporation in one or more banks as the Board of Directors shall determine.

Corporation

- (2) There shall be paid out of the fund, all sums of money required to defray any expenditure incurred by the 15 Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.
- 9. Subject to the provisions of this Act, the Corporation Corporation shall be able and capable in law may hold to acquire and hold any property movable and immovable, movable and 20 which may become vested in it by virtue of any purchase, immovable grant, lease, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Act and subject to the rules of the Corporation made under section 06, with full power to sell, 25 mortgage, lease, exchange or otherwise dispose of the same.

10. If upon the dissolution of the Corporation there Property remains after the satisfaction of all debts and liabilities any remaining on property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given 30 or transferred to some other institution or institutions having objects similar to those of the Corporation and which, is or are by its or their rules prohibited from distributing any income or property among their members.

dissolution.

11. (1) The Financial year of the Corporation shall be Accounts and the calender year.

Audit of the Corporation

- (2) The Corporation shall cause proper accounts to be kept of its income and expenditure, assests and liabilities 5 and transactions of the Corporation.
  - (3) The accounts of the Corporation shall be audited by a qualified auditor as may be determined by the Board.
    - (4) In this section "qualified auditor" means -

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- (a) An individual who, being a member of the Institute of Chartered Accountants of Sri Lanka, any other institute established by law, possesses a certificate to practice as an Accountant, issued by the Council of such Institute; or
- (b) A firm of Accountants, each of the resident 15 partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka, or any other institute established by law, possesses a certificate to practice as an Accountant, issued by the Council of such institute.
- 20 12. The Seal of the Corporation shall not be affixed to Seal of the any instrument whatsoever except in the presence of the President and the Secretary or two other members of the Corporation as may be decided by the Committee of Management who shall sign their names to the instrument 25 in token of their presence and such signing shall be independent of the signing of any person as a witness.
  - 13. Nothing in this Act contained shall prejudice or Saving of the affect the rights of the Republic or of any body politic, rights of the or corporate, or of any other persons.

Republic and others

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14. 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 inconsistency

