



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

**JAGADDALA SOCIAL WELFARE
INSTITUTE (INCORPORATION)
ACT, No. 21 OF 2009**

[Certified on 08th April, 2009]

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*Jagaddala Social Welfare Institute
(Incorporation) Act, No. 21 of 2009*

[Certified on 08th April, 2009]

L. D. — O. (Inc.) 18/2005

AN ACT TO INCORPORATE THE JAGADDALA SOCIAL WELFARE INSTITUTE

WHEREAS an Institute called and known as the “Jagaddala Social Welfare Institute” has heretofore been formed at Sri Punyawardanaramaya, Kindelpitiya, Bandaragama for the purpose of effectually carrying out and transacting all objects and matters connected with the said Institute according to the rules agreed by its members :

Preamble.

AND WHEREAS the said Institute 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 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 Jagaddala Social Welfare Institute (Incorporation) Act, No. 21 of 2009.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are the members of the “Jagaddala Social Welfare Institute” (hereinafter referred to as the “Institute”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be body corporate (hereinafter referred to as the “Corporation”), with perpetual succession, under the name and style of the “Jagaddala Social Welfare Institute” and by that name may sue and be sued, with full power and authority to have, and use a common seal and alter the same at its pleasure.

Incorporation
of the
Jagaddala
Social
welfare
Institute.

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

General
objects of the
Corporation.

- (a) to establish and maintain homes for the orphaned abandoned and destitute children with the approval of the Probation and Child Care Services Department;

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- (b) to ensure the provision and maintenance of comfortable living standards for the children in the homes ;
- (c) to provide facilities needed for the continuous educational development and development of creative abilities of the children in the homes;
- (d) to provide vocational career guidance and vocational training facilities to the children in the homes;
- (e) to monitor and assist where necessary in the future well being of the children who have left the homes after being resident there.

General Powers
of the
Corporation.

4. Subject to the provisions of this Act or any other written law, the Corporation shall have the power to do, perform and execute, all such acts, matters and things 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 open, operate and close bank accounts, to borrow or raise money with or without security, to receive or collect grants and donations, to invest its funds and to engage, employ and dismiss, officers and servants required for the carrying out of the objects of the Corporation.

Management of
the affairs of the
Corporation.

5. (1) The management of the affairs of the Corporation shall, subject to the provisions of this Act and the rules of the Corporation made under section 6, be administered by a Committee of Management (hereinafter referred to as “the Committee”) consisting of the President, Vice president, the Chief Secretary, the Deputy Secretary, Assistant Secretary, the Treasurer and not less than eleven other members who are elected in accordance with the rules of the Corporation.

(2) Notwithstanding anything to the contrary in subsection (1) Venerable Kindelpitiya Ariya Maithree Thero the Chief Incumbent of the Kindelpitiya

Sri Punyawardanaramaya shall be the first President of the Corporation and every successive chief incumbent shall be the *ex-officio* President.

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

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

Rules of the
Corporation.

- (a) the classification of membership and the admission, withdrawal or expulsion of members ;
- (b) the election of office bearers, and tenure of office the resignation from or removal from office of office bearers and their powers, conduct and duties ;
- (c) the election of the members of the Committee, conduct and duties and the tenure of office of members of the Committee and its powers;
- (d) the powers, conduct, duties and functions and tenure of office of the officers, agents and servants of the Corporation;
- (e) the procedure to be observed at the summoning and holding of meetings of the Committee, the times, place, notices and agenda of such meeting, the quorum of the meetings 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

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(g) generally for 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).

(3) The members of the Corporation shall be subject to the rules of the Corporation.

Fund of the Corporation.

7. (1) The Corporation shall have its own fund and all monies received by way of gifts, testamentary dispositions, grants, donations, contributions or fees shall be deposited in the name of the Corporation in one or more banks as may be decided by the Committee.

(2) The Corporation may establish a depreciation fund or a sinking fund for the purpose of rehabilitation, development of the property of the Corporation.

(3) There shall be paid out of the Fund of the Corporation all sums of money to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

Debts due by and payable to the Institute.

8. All debts and liabilities of the Institute existing on the day preceding the date of commencement of this Act, shall be paid by the Corporation, hereby formed and all debts due to, subscriptions and contributions payable to, the Institute on that day shall be paid to the Corporation for the purposes of this Act.

Corporation may hold property movable or immovable.

9. The Corporation shall be able and capable in law, to acquire and hold, any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, 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 6, and it shall have full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

10. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President and the Secretary or the Treasurer or an officer authorized in that behalf and 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 witness.

How the seal of the Corporation is to be affixed.

11. (1) The financial year of the Corporation shall be the calendar year ;

Audit and Accounts.

(2) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation ;

(3) The accounts of the Corporation shall be audited by a qualified auditor.

(4) In this section “Qualified Auditor” means—

- (i) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such Institute; or
- (ii) a firm of Accountants each of the resident partners of which, being a members of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practice as an Accountant issued by the Council of such Institute.

12. Nothing in this Act contained 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.

13. In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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