

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

Part II of September 09, 2022

SUPPLEMENT

(Issued on 12.09.2022)



**DR. SAMAN WEERASINGHE FOUNDATION
(INCORPORATION)**

(Private Members' Bill)

A

BILL

to incorporate the Dr. Saman Weerasinghe Foundation

*To be presented in Parliament by Hon. Chandima Weerakkody, M.P.
for Galle District*

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*Dr. Saman Weerasinghe Foundation
(Incorporation)*

AN ACT TO INCORPORATE THE DR. SAMAN WEERASINGHE
FOUNDATION

WHEREAS a Board called and known as the “Dr. Saman Weerasinghe Foundation” has heretofore been established in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters connected with the said Foundation according to the rules agreed to by its members:

Preamble

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the 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 Dr. Saman Weerasinghe Foundation (Incorporation) Act, No. of 2022.

Short title

2. From and after the date of commencement of this Act, such and so many persons as now are members of the “Dr. Saman Weerasinghe Foundation” (hereinafter referred to as the “Foundation”) or shall hereafter be admitted as members shall be a body corporate (hereinafter referred to as the “body corporate”) with perpetual succession under the name and style of “Dr. Saman Weerasinghe Foundation” 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.

Incorporation
of the Dr.
Saman
Weerasinghe
Foundation

The body corporate shall be deemed to be a Voluntary Social Service Organization within the meaning and for purposes of Voluntary Social Service Organizations (Registration and Supervision) Act, No. 31 of 1980.

3. (1) The general objects for which the body corporate is constituted are—

(a) to promote peace and harmony among all communities in Sri Lanka;

General
objects of the
body
corporate

5

- (b) to provide books, uniforms, learning materials, musical instruments, nutritious foods, sports equipments, educational aides to needy children of school going and kinder ages and grant scholarships to them;
- (c) to provide medicines and food to the people in need;
- (d) to promote and protect rights of women and children;
- (e) to promote and protect fundamental rights;
- (f) to organize leadership training programmes to youth;
- (g) to liaise and co-ordinate with other local institutions or foundations which have similar objects:

10

15 Provided however, that above objects shall be carried out in such manner so as not to create any conflict with work being carried out by any Ministry or Department of the Government or of any Provincial Council.

4. (1) The affairs of the body corporate shall, subject to the other provisions of this Act and the rules in force for the time being of the body corporate be administered by a Board of Directors consisting of Chairman, Secretary, Treasurer and another eleven members elected in accordance with such rules, for a period of 3 years.

(2) The first Board of the body corporate shall consist of
25 the members of the Board of administration of the
Foundation holding office on the day immediately preceding
the date of commencement of this Act and shall hold office
for a period not exceeding one year and shall be empowered
to make rules for interim administration of the body corporate
30 and for election and appointment of the Board.

5. Subject to the provisions of this Act and any other written law, the body corporate shall have the power to do, perform and execute all such acts, matters and things what so ever 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 acquire and hold property moveable, to open, operate and close bank accounts, to borrow or raise moneys with or without security, to erect any building or structures on any land held by the body corporate and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the body corporate.
6. (1) It shall be lawful for the body corporate, from time to time, at any general meeting of the members 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 any other written law, for all or any of the following matters:—
- (a) the classification of membership, admission, withdrawal, expulsion or resignation of members and membership fees payable;
 - (b) procedure to be observed for the summoning and holding of meetings of the body corporate and of the Board of Directors, the quorum of such meetings and the exercise and performance of their powers and duties;
 - (c) the appointment, powers, duties and functions of the various officers, agents and servants of the body corporate;
 - (d) qualifications required to become a member of the body corporate and of the Board of Directors;
 - (e) election, vacation and removal of office bearers and members of the Board of Directors of the body corporate;

General
powers of the
body
corporate

Rules of the
body
corporate

(f) the administration and management of the property of the body corporate.

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

(3) Every rule so made by the body corporate shall be published in the Gazette within three months of making such rules and shall come in to effect on such date of publication.

10 7. All debts and liabilities of the Foundation existing Debts due by
on the day preceding the date of commencement of this Act, and payable
shall be paid by the body corporate hereby constituted and to the Fund
all debts due to, subscriptions and contributions payable to
the Foundation on that day shall be paid to the body
15 corporate for the purpose of this Act.

8. (1) The body corporate shall have its own fund and all moneys heretofore or hereafter to be received by way of gifts, bequest, donation, subscription, contribution, 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 body corporate shall determine.

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

(3) A detailed report of activities conducted for each financial year by the body corporate shall be submitted to the Registrar of Voluntary Social Services Organizations as defined at Voluntary Social Services Organizations 30 (Registration and Supervision) Act, No. 31 of 1980, with details of local and foreign funds received, within six months from the end of each financial year.

5 **9.** The body corporate shall be able and capable in law to acquire and hold any property, movable and immovable which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise and all such
10 property shall be held by the body corporate for the 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, provided that prior written approval shall be obtained from the
15 Department of External Resources of the Ministry of the Minister assigned the subject of Finance in respect of receipt of all foreign grants, gifts or donations.

Body
corporate
may hold
property
movable and
immovable

15 **10.** No member of the body corporate shall be liable for any contribution exceeding the amount of relevant
20 membership fees due from such member of the body corporate, for satisfaction of debts and liabilities of the body corporate or for any other purpose.

Limitation of
liabilities of
members

20 **11.** If upon the dissolution of the body corporate, there remains after the satisfaction of all its debts and liabilities,
25 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 institutions having objects similar to those of the body corporate and which is or are by its or their rules, prohibited
25 from distributing any income or property among their members.

Property
remaining on
dissolution

12. (1) The financial year of the body corporate shall be the calendar year.

Audit and
accounts of
the body
corporate

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

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

(4) In this section “qualified auditor” means —

- 5 (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 to practice as an
Accountant, issued by the Council of such
institute; or
- 10 (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,
possesses a certificate of practice as an
Accountant, issued by the Council of such
institute.

15 **13.** The Seal of the body corporate shall not be affixed to
any instrument whatsoever except in the presence of the
Chairman or a member of the Board as may be duly
authorized by the Board and another member of the Board
who shall sign their names on the instrument in token of
20 their presence and such signing shall be independent of the
signing of any person as a witness.

Seal of the
body
corporate

14. Nothing in this Act contained shall prejudice or
affect the rights of the Republic or of anybody politic, or
corporate or of any other persons except such as are
25 mentioned in this Act and those claiming by, from or under
them.

Saving of the
rights of the
Republic and
others

15. 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

