



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

**SAMAJA SAHANA PADANAMA
(INCORPORATION) ACT, No. 64 OF 2009**

[Certified on 12th November, 2009]

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Samaja Sahana Padanama (Incorporation)
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L.D.—O. (INC.) 24/2008.

AN ACT TO INCORPORATE THE SAMAJA SAHANA PADANAMA

WHEREAS a foundation called and known as the “Samaja Sahana Padanama” 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 several objects and matters for which it was established and has applied to 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 Samaja Sahana Padanama (Incorporation) Act, No. 64 of 2009.

Short title.

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

Incorporation of
the Samaja
Sahana
Padanama.

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

General objects
of the
Corporation.

(a) to assist individuals, families and communities in disadvantaged circumstances ;

2 *Samaja Sahana Padanama (Incorporation)*
 Act, No. 64 of 2009

- (b) to assist families of workers, farmers and such other persons who have become indigent due to loss of employment, illness, disability, death or other cause ;
- (c) to advise and assist workers who have voluntarily resigned, retired or returned from foreign employment with regard to the management of their savings or in the establishment of small or medium scale enterprises ;
- (d) to provide counseling and assistance to families of foreign employed workers to promote the well-being of such families ;
- (e) to assist workers who have lost employment due to closure of enterprises, retrenchment, redundancy or other cause to engage in self-employment or secure alternate employment ;
- (f) to provide counseling and to assist to workers and their families to settle problems and make claims as are relevant to their employment ;
- (g) to provide or arrange to provide counseling services or treatment for persons having psychological difficulties ;
- (h) to provide or arrange to provide vocational training and assistance to disadvantaged young persons to engage in self-employment or to secure employment;
- (i) to provide or assist in providing or improving houses for families in disadvantaged circumstances ;
- (j) to promote public health with special emphasis on the improvement of the nutritional status of disadvantaged women and children ;

- (k) to take steps to discourage smoking habit and alcohol usage among workers and their families ; and
- (l) to promote the protection and improvement of the environment.

(2) In implementing the objects specified in subsection (1), the Corporation shall ensure that such implementation is carried out without distinction based on race, caste, religion, language, sex or political opinion.

4. Subject to the provisions of this Act, and any other written law, the Corporation shall have the power to —

General powers
of the
Corporation.

- (a) acquire, hold or take any property movable or immovable for the Corporation or give on lease or hire, mortgage, pledge, sell, exchange or otherwise dispose of the same, subject of the rules made under section 6 of the Corporation;
- (b) enter into and perform or carry out whether directly or through any officer or agent authorized in that behalf by the Corporation, all such contracts or agreements as may be necessary for the attainment of the objects or the exercise of the powers of the Corporation;
- (c) accept gifts, donations and bequests in cash or in kind;
- (d) advance or lend and to borrow money for the purposes of the Corporation in such a manner and upon such security as the Corporation may think fit;
- (e) invest its funds that are not immediately required for the purposes of the Corporation in such manner as may be decided by the Board of Management and to open, operate, maintain or close current, deposit and savings accounts in any Bank;

4 *Samaja Sahana Padanama (Incorporation)*
 Act, No. 64 of 2009

- (f) publish or cause to be published books, journals, magazines, other literature and establish and maintain libraries ; and
- (g) appoint, employ, transfer, exercise disciplinary control over officers and servants as are required for the carrying out of the objects of the Corporation and to prescribe their terms and conditions of service and dismiss such officers or servants.

Management of
the affairs of the
Corporation.

5. (1) The affairs of the Corporation shall subject to the rules of the Corporation made under section 6 of this Act, be administered by a Board of Management (hereinafter referred to as the “Board of Management”) consisting of a Chairman, a Vice Chairman, a Secretary, an Assistant Secretary, a Treasurer, an Assistant Treasurer and nine other members elected or appointed in accordance with the rules of the Corporation made under section 6.

(2) The first Board of Management of the Corporation shall be the Board of Management of the Foundation holding office on the day preceding the date of commencement of this Act which shall hold office until a new Board of Management is appointed under the rules of the Corporation.

Rules of the
Corporation.

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, for all or any of the following matters :—

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

- (c) the election of the members of the Board of Management and its powers, conduct and duties and the terms of office of and the filling of vacancies of the members of the Board of Management ;
- (d) the powers, conduct, duties and functions of the various officers, agents and servants of the Corporation ;
- (e) the procedure to be observed for the summoning and holding of meetings of the Board of Management, the times, places, notices and agenda of such meetings, the quorum therefore and the conduct of business thereat ;
- (f) the administration and management of the property of the Corporation and the custody of this funds; and
- (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 in like manner as a rule may be made under subsection (1).

(3) The members of the Corporation shall be subject to the rules of the Corporation made under this section.

7. The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and either the Secretary or the Treasurer 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 a witness.

Seal of the Corporation.

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

Debts due by and payable to the Foundation.

6 *Samaja Sahana Padanama (Incorporation)*
 Act, No. 64 of 2009

due to, subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

Fund of the Corporation.

9. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter received by way of gifts, bequests, donations, subscriptions, contributions, fees 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 Management shall determine.

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

Accounts and audit.

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

(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 annually by a qualified auditor appointed by the Board of Management.

(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 of any other institute established by law, possesses a certificate to practice as an Accountant issued by such institute ; or
- (b) a firm of Accountants, each of the resident partners of which being a member of the Institute of

Samaja Sahana Padanama (Incorporation) 7
Act, No. 64 of 2009

Chartered Accountants of Sri Lanka or of any other
institute established by law, possesses a certificate
to practice as an Accountant issued by such institute.

11. If upon the dissolution of the Corporation, there remains after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given or transferred to some other Institution or Institutions having objects similar to those of the Corporation and which is or are by the rules thereof prohibited from distributing any income or property among its or their members. Such Institution or Institutions shall be determined by the members of the Corporation at or immediately before the dissolution of the Corporation.

Property
remaining on
dissolution.

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 Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to
prevail in case
of inconsistency.

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