



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

**PAVITHRA WANNIARACHCHI SAHURDA
FOUNDATION (INCORPORATION)**

A

BILL

to incorporate the Pavithra Wanniarachchi Sahurda Foundation

*Presented by the Hon. Lalith Ellawala, M. P.
for Kalutara District on 21st of September, 2022*

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*Pavithra Wanniarachchi Sahurda
Foundation (Incorporation)*

AN ACT TO INCORPORATE THE PAVITHRA WANNIARACHCHI
SAHURDA FOUNDATION

WHEREAS A Centre called and known as the “Pavithra Wanniarachchi Sahurda Foundation” has heretofore been formed in Sri Lanka for the purpose of effectually carrying out and transacting all objects and matters and connected
5 with the said foundation according to the rules agreed to by the members:

Preamble

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
10 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 Pavithra Wanniarachchi Sahurda 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 “Pavithra Wanniarachchi Sahurda Foundation” (hereinafter referred to as the “Foundation”) or shall hereafter be admitted as members
20 of the Corporation hereby constituted, shall be a corporation with perpetual succession, under the name and style “Pavithra Wanniarachchi Sahurda 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
25 seal and alter the same at its pleasure.

Incorporation
of the
Pavithra
Wanniarachchi
Sahurda
Foundation

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

General
objects of the
Corporation

(2) The founder member of the Foundation, Honourable Pavithra Wanniarachchi shall be the Chairman of the Board of Directors for life thereafter, the family members of the person who was holding office as the Chairman shall become the next Chairman of the Board of Directors.

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

10 **5.** Subject to the provisions of this Act and any other written law, the Corporation shall have the power 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 any one of
15 them, to open, operate or close bank accounts, to borrow or raise moneys with or without security to receive or collect or accept grants and donations to invest its funds to the Corporation and to engage, employ and dismiss officers and servants required for the carrying out of the objects of the
20 Corporation.

General
Power of the
Corporation

6. (1) It shall be lawful for the Corporation, 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 to make rules, not inconsistent with the provisions of this Act or any
25 other written law, on all or any of the following matters:—

Rules of the
Corporation

- (a) the classification of members, and the admission, withdrawal, expulsion of members;
- (b) the election of office bearers of the resignation from, vacation of or removal from office of office bearers and their powers, conduct and duties;
- 30

4 *Pavithra Wanniarachchi Sahurda
Foundation (Incorporation)*

- (c) the election of the members of the Committees of the Management and its powers, conduct, duties and duration of term of office;
- 5 (d) the powers, conduct, duties and functions of the various officers agents and servants of the Corporation;
- 10 (e) the procedure to be observed at and the summoning and holding of meetings of the Committee of Management and of the time, places, notices and agenda of such meetings, the quorum thereof and the conduct of business thereof;
- (f) the administrations and management of the property of the Corporation, the custody of its funds and the maintenance and audit of its accounts: and
- 15 (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).

- 20 (3) Every members of Corporation shall be subject to the rules of the Corporation.

25 7. All debts and liabilities of the Corporation on the day preceding the date of commencement of this act, shall be paid and discharge by the Corporation hereby constituted and all debts due to, subscriptions and contributions payable to the Corporation on that day shall be paid to the Corporation for the purpose of this Act.

Debts due by
and payable
to the
Corporation

8. (1) The Corporation 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
5 the credit of the Body Corporate in one or more banks as the
Committee of Management shall determine.

Funds of the
body
corporation

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

9. Subject to the provisions of this Act, 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, lease, gift, testamentary
15 disposition or otherwise and all such property shall be held
by the Corporation for the purposes of this Act and be subject
to the rules of the Corporation made under Section 06, with
power to sell, mortgage, lease, exchange or otherwise dispose
of the same.

Corporation
may hold
property
movable and
immovable

20 10. 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
25 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.

Property
remaining on
dissolution

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

Audit and
accounts of
the
Corporation

30 (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 the Auditor General or qualified auditor appointed by the Auditor General in terms of Article 154 of the Constitution.

5 (4) For the purpose of this section “qualified auditor” means—

10 (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

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 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 any instrument whatsoever except in the presence of two members of the Committee of Management, 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
25 as a witness.

Seal of the
Corporation

13. 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.

Saving of the
rights of the
Republic and
others

30 **14.** 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

