

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) 1

Act, No. 64 of 2009

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L.D.—O. (INC.) 24/2008.

ANACT TOINCORPORATETHE SAMAJA SAHANA PADANAMA

WHEREAS a foundation called and known as the Preamble.

“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:

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 Short title.

(Incorporation) Act, No. 64 of 2009.

2. From and after the date of commencement of this Act, Incorporation of

such and so many persons as presently are members of the the Samaja

Sahana

“Samaja Sahana Padanama” (hereinafter referred to as the

Padanama.

“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.

3. (1) The general objects for which the Corporation is General objects

constituted are hereby declared to be— of the

Corporation.

(a) to assist individuals, families and communities in

disadvataged circumstances ;

2—PL 004386—3,190 (09/2009)

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 ;

Samaja Sahana Padanama (Incorporation) 3

Act, No. 64 of 2009

(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 General powers

written law, the Corporation shall have the power to— 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 ot 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,

diposit 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 5. (1) The affairs of the Corporation shall subject to the

the affairs of the rules of the Corporation made under section 6 of this Act, be

Corporation.

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 6. (1) It shall be lawful for the Corporation, from time to

Corporation.

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 ;

Samaja Sahana Padanama (Incorporation) 5

Act, No. 64 of 2009

(c) the election of the members of the Board of

Managememt 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 Seal of the

any instrument whatsoever, except in the presence of the Corporation.

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.

8. All debts and liabilities of the Foundation on the day Debts due by

preceding the date of commencement of this Act shall be and payable to

the Foundation.

paid to the Corporation hereby constituted and all debts

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 9. (1) The Corporation shall have its own fund and all

Corporation. 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 powes, duties and functions

under this Act.

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

audit. 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 Property

remains after the satisfaction of all its debts and liabilities, remaining on

dissolution.

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.

12. Nothing in this Act contained shall prejudice or Saving of the

affect the rights of the Republic or of any body politic or rights of the

Republic and

corporate. others.

13. In the event of any inconsistency between the Sinhala text to

Sinhala and Tamil texts of this Act, the Sinhala text shall prevail in case

of inconsistency.

prevail.

8 Samaja Sahana Padanama (Incorporation)

Act, No. 64 of 2009

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