

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

D. M. DASSANAYAKE SOCIAL SERVICES

AND CHARITY FOUNDATION

(INCORPORATION) ACT, NO. 17 OF 2012

[Certified on 06th August, 2012]

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D. M. Dassanayake Social Services and Charity 1

Foundation (Incorporation) Act, No. 17 of 2012

[Certified on 06th August, 2012]

L.D.—O. (INC.) 17/2011.

ANACT TO INCORPORATE THE D. M. DASSANAYAKE SOCIAL

SERVICES AND CHARITY FOUNDATION

WHEREAS a Foundation called and known as the “D. M. Preamble.

Dassanayake Social Services and Charity Foundation” has

heretofore been established for the purpose of effectually

carrying out and transacting all the 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 D. M. Dassanayake Short Title.

Social Services and Charity Foundation (Incorporation) Act,

No. 17 of 2012.

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

Act, such and so many persons as now are members of the D. D. M.

Dassanayake

M. Dassanayake Social Services and Charity Foundation

Social Services

(hereinafter referred to as “the Foundation”) or shall hereafter and Charity

be admitted as members of the Corporation hereby Foundation.

constituted, shall be a body corporate with perpetual

succession, under the name and style of the “D. M.

Dassanayake Social Services and Charity Foundation”

(hereinafter referred to as the “Corporation”) and by that

name may sue and be sued and shall have full power and

authority to have and use a common seal and to alter the

same at its pleasure.

2—PL 006027—3,090 (05/2011)

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

of the established are hereby declared to be—

Corporation.

(a) establish vocational training centres and conduct

other training programmes for the unemployed and

needy with a view to prepare them for a better

livelihood through self employment and thereby

to uplift the econmic standards of the people which

alleviates poverty of the people in Sri Lanka;

(b) promote the advancement of health of the people

in remote and under developed areas by providing

assistance financially or otherwise for the

establishment of healthcare centres and hospitals

and to provide equipment, medicine, wheel chairs

and other provisions to hospitals and health centres

for distribution to the patients;

(c) organize programmes which may encourage

religious and ethnic harmony;

(d) conduct seminars, workshops and similar

programmes which may contribute to the

development of personality of youth and thereby

to build up a refined society;

(e) assist people affected by any man made or natural

disasters by constructing houses and roads for them

and assisting such persons to resume their normal

day to day livelihood;

(f) assist needy and deserving students to further their

education by conducting classes, by providing

books, equipment and school uniforms to such

students and to assist them financially or otherwise

to complete thier education;

(g) enter into ageements with other institutions which

have similar objects as the Corporation and thereby

facilitate the exchange of resources among such

institutions;

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(h) sponsor conferences, seminars, workshops and

similar activities to enhance the physical, mental,

social and intellectual development of the people;

and

(i) oraganize welfare activities for the betterment and

wellbeing of the family members of the demised

soldiers.

(2) In the implementation of the objectives of this Act as

are specified in subsection (1), the Corporation shall ensure

that such implementation is carried out without distinction

based on race, cast, religion, language, sex or political opinion.

4. Subject to the provisions of this Act and any other Powers of the

written law the Corporation shall have the power to— Corporation.

(a) open, operate and close bank accounts in any one

or more banks as may be determined by the

Governing Council;

(b) borrow or raise money with or without security,

and to receive or collect grants and donations:

Provided that, notwithstanding anything to the

contrary in any other provisions of this Act, the

Governing Council shall obtain prior approval of

the Department of External Resources of the

Ministry of the Minister to whom the subject of

Finance is assigned in respect of all foreign grants,

gifts or donations;

(c) invest any funds of the Corporation which are not

immediately required for the purpose of the

Corporation in a way that may be determined by

the Governing Council to achieve the objects of

the Corporation;

(d) purchase, acquire, give on lease or hire, sell or

otherwise obtain any movable or immovable

property which may be required for the purpose of

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the Corporation and which may lawfully be

acquired for those purposes and to deal with or

dispose of the same, as it may deem expedient with

a view to achieving the objects of the Corporation;

(e) appoint, employ and dismiss the employees

required for the carrying out of the objects of the

Corporation and pay them such remuneration as

may be determined by the Governing Council;

(f) enter into, perform or carry out, whether directly or

through any officer or agent authorized in that

behalf by the Governing Council, all such contracts

or agreements as may be necessary for the

attainment of the objects or the exercise of the

powers of the Corporation; and

(g) do all other things as may be necessary or expedient

for the proper and effective carrying out of the

objects of the Corporation.

Management of 5. (1) The management, control and administration of

the affairs of the

the affairs of the Corporation shall, subject to the provisions

Corporation.

of this Act and the rules of the Corporation made under

section 6 of this Act, be administered by a Governing Council

consisting of the Chairman, Secretary, two Assistant

Secretaries, Treasurer and six other members.

(2) No act or proceeding of the Governing Council shall

be deemed to be invalid by reason only of the existence of a

vacancy among its members or any defect on the election or

nomination of any member thereof.

(3) The first Governing Council of the Corporation shall

consist of the members of the Governing Council holding

office on the day immediately preceding the date of

commencement of this Act and shall continue to hold office

until a new Governing Council is appointed in accordance

with the rules of this Act.

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(4) The incumbent Chairperson of the Governing Council

Mrs. Indrani Dassanayake shall be the lifelong Chairperson

of the Governing Council unless she resigns from office

earlier.

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

time, at any general meeting by a majority of not less than Corporation.

two-thirds of the members present and voting to make rules

not inconsistence with the provisions of this Act, or any

other written law—

(a) the classification of membership and the admission,

resignation or expulsion of members;

(b) the election of the office-bearers, the resignation

from, vacation of or removal from office of office

bearers and their powers, functions, duties and

disciplinary control;

(c) the election of the members of the Governing

Council and its powers, functions, duties and

disciplinary control and the terms of office of

members of the Governing Council;

(d) the powers, functions, duties and conduct of the

officers, agents and servants of the Corporation;

(e) the procedure to be observed at and the summoning

and holding of meetings of the Governing Council,

the times, venue, notices and agenda of such

meetings, the quorum therefor 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

(g) the management of the affairs of the Corporation,

and the accomplishment of its objects.

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(2) Any rule made by the Corporation may be amended,

altered, added to or rescinded at a like meeting and in the

like the manner, as a rule made under sub section (1).

(3) The members of the Corporation shall be subjected to

the rules of the Corporation.

Corporation 7. Subject to the provisions of this Act, the Corporation

may hold shall be able and capable in law to acquire and hold property

movable and

immovable both movable and immovable, which may become vested in

property. 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, with

full power to sell, mortgage, lease, exchange or otherwise

dispose of the same.

Fund of the 8. (1) The Corporation shall have its own fund and all

Corporation. monies heretofore received or hereafter be received by way

of gifts, testamentary dispositons, grants, donations,

contributions or fees on behalf ot the Corporation shall be

deposited to the credit of the Fund of the Corporation in one

or more banks as the Governing Council may determine.

(2) The Corporation may establish a depreciation fund or

a sinking fund for the purpose of rehabilitation, development

or improvement of the property of the Corporation.

(3) There shall be paid out of the fund 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.

(4) The financial year of the Corporation shall be the

calender year.

Debts due by 9. All debts and liabilities of the Foundation existing

and payable to on the day preceding the date of commencement of this Act,

the Foundation.

shall be paid and discharged by the Corporation hereby

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constituted and all debts due to, subscriptions and

contributions payable to the Foundation on that day shall

be paid to the Corporation for the purposes of this Act.

10. No member of the Corporation shall for the purpose Limitation of

of discharging the debts and liabilities of the Corporation or liability of

members.

for any other purpose, be liable to make any contyribution

exceeding the amount due from such member as membership

fees.

11. (1) The Corporation shall cause proper accounts to Accounts and

Audits.

be kept of its income and expenditure, assets and liabilities

and all other transactions of the Corporation.

(2) The accounts of the Corporation shall be audited by a

qualified auditor.

(3) 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

such Institute ; or

(ii) a firm of Accountants each of the resident partner

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

to practice as an Accountant issued by the council

of such Institute.

12. The Seal of the Corporation shall be in the custody Seal of the

Corporation.

of the Secretary and shall not be affixed to any instrument

whatsoever, except in the presence of the Chairman, Secretary

and the Treasurer of the Corporation 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.

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Property 13. If upon the dissolution of the Corporation, there

remaining on remains any property whatsoever, after the satisfaction of all

dissolution.

debts and liabilities, such property shall not be distributed

among the members of the Corporation, but shall be given

or transferred to some other institution having objects similar

to those of the Corporation, and which is or are by its rules

prohibited from distributing any income or property among

its or their members. Such instiution or institutions may be

determined by the Governing Council on or before the

disslution of the Corporation.

Saving of the 14. Nothing contained in this Act shall prejudice or affect

rights of the the rights of the Republic or any body politic or corporate.

Republic.

Sinhala text to 15. In the event of any inconsistency between the

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

of inconsistency.

prevail.

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