

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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PHILIP GUNAWARDENA

COMMEMORATIVE SOCIETY

(INCORPORATION) ACT, No. 4 OF 2014

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[Certified on 04th March, 2014]

Printed on the Order of Government

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Philip Gunawardena Commemorative Society 1

(Incorporation) Act, No. 4 of 2014

[Certified on 04th March, 2014]

L.D.—O.(Inc.) 11/2012.

ANACTTOINCORPORATE THEPHILIPGUNAWARDENA

COMMEMORATIVE SOCIETY

WHEREAS a Society called and known as the “Philip Preamble.

Gunawardena Commemorative Society” has heretofore been

established in Sri Lanka for the purpose of effectually

carrying out its objects and transacting all matters connected

with the said Society according to the rules agreed to by its

members:

AND WHEREAS the said Society 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 said 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 Philip Gunawardena Short title.

Commemorative Society (Incorporation) Act, No. 4 of 2014.

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

Act, such and so many persons as now are members of the the Philip

“Philip Gunawardena Commemorative Society” (hereinafter Gunawardena

Commemorative

referred to as “the Society”) and shall hereafter be admitted

Society.

as members of the Corporation hereby constituted shall be a

body corporate with perpetual succession under the name

and style of the “Philip Gunawardena Commemorative

Society” (hereinafter referred to as “the Corporation”) 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. The general objects for which the Corporation is General objects

constituted are hereby declared to be — of the

Corporation.

(a) to research into, foster and promote the philosophy

and thinking of the late Mr. Philip Gunawardena;

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(b) to collect and preserve available materials

connected with the philosophy of the late Mr.

Philip Gunawardena, including the speeches made,

books and articles written on such philosophy;

(c) to carry out various commemorative activities in

memory of the late Mr. Philip Gunawardena;

(d) to act in collaboration with Philip Gunawardena

Foundation Trust established under the Public

Trustee ;

(e) to foster and promote with reference to the

philosophy of the late Mr. Philip Gunawardena,

social, educational and cultural development of the

disadvantaged and marginalized groups,

particularly the youth of Sri Lanka;

(f) to propagate the memory and the philosophy of the

late Mr. Philip Gunawardena by—

(i) assisting the relevant authorities to establish

and maintain institutions such as orphanages

and homes for the aged;

(ii) assisting the relevant authorities to establish

and maintain vocational training institutions,

with a view to promoting self employment

among the unemployed youth and to assist

such youth to engage successfully in business

ventures by providing them with financial,

marketing and other necessary assistance;

(iii) assisting the relevant authorities to establish

and maintain institutions such as preschools

and child care centers and to formulate and

implement programmes for the welfare of such

children;

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(iv) assisting the relevant authorities to establish

and maintain libraries and to carry out

programmes on the importance of patronizing

such libraries;

(v) assisting the relevant authorities to establish

and maintain educational institutions;

(vi) granting scholarships and bursaries to

deserving students; and

(vii) the provision of food, clothing, shelter and

other forms of relief to needy people.

4. The objects of the Corporation shall be carried out in Corporation to

such manner so as not to create any conflict between the ensure no

conflict with

work of the Corporation and any work being carried out

work of

simultaneously by any Ministry or Department of the Ministry or

Government or of any Provincial Council. Department of

the Government

or Province.

5. (1) Subject to the provisions of this Act the Management of

management and administration of the affairs of the the affairs of the

Corporation.

Corporation shall be carried out by a Committee of

Management (hereinafter referred to as the “Committee”)

consisting of such number of office bearers as may be

specified by the rules of the Corporation made under

section 7.

(2) (a) The Committee of the Society that holds office on

the day immediately preceding the date of commencement

of this Act, shall function as the Committee of the Corporation

until the first Committee is appointed or elected in the

manner provided for by rules made under section 7.

(b) The first Committee of the Corporation shall be

appointed or elected within one year of the date of

commencement of this Act.

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(3) (a) Every office bearer of the Committee including

the patrons and advisors, shall be appointed or elected for a

period of three years and any such office bearer, patron or

advisor shall be eligible for re-appointment or re-election

after lapse of the said period of three years.

(b) In the event of a vacancy occurring due to death,

resignation, incapacity or removal from office of an office

bearer, the Committee shall having regard to the rules of the

Corporation, elect or appoint a person to fill such vacancy.

(c) The person elected or appointed under paragraph (b)

shall hold office only for the unexpired portion of the term

of office of the member whom he succeeds.

Powers of the 6. Subject to the provisions of this Act and any other

Corporation. written law, the Corporation shall have the power to do,

perform and execute all such acts and matters as are necessary

or desirable for the promotion or furtherance of the objects

of the Corporation or any one of them, including the power—

(a) to purchase, acquire, rent, construct, renovate and

otherwise obtain lands or buildings which may be

required for the purposes of the Corporation and to

deal with or dispose of the same as may be deemed

expedient with a view to promoting the objects of

the Corporation;

(b) to borrow or raise funds with or without securities

and to receive grants, gifts or donations in cash or

kind :

Provided that, the Committee shall obtain the

prior written approval of the Department of External

Resources of the Ministry of the Minister assigned

the subject of Finance, in respect of all foreign

grants, gifts or donations made to the Corporation.

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(c) to make, draw, acccept, discount, endorse,

negotiate, buy, sell and issue bills of exchange,

cheques, promissory notes and other negotiable

instruments and to open, operate, maintain and close

accounts in any bank;

(d) to enter into contracts, partnerships or agreements

with any Government Department, Provincial

Council or non Governmental organization or any

other person or institution whether in Sri Lanka or

abroad with a view to promoting the objects of the

Corporation ;

(e) to invest any funds that are not immediately required

for the purposes of the Corporation, in such manner

as the Committee may determine;

(f) to undertake, accept execute, perform and

administer any lawful trust and conditions affecting

any real or personal property with a view to

promoting the objects of the Corporation;

(g) to appoint, employ, dismiss or terminate the services

of officers and servants of the Corporation and

exercise disciplinary control over them and to pay

them such salaries, allowances and gratuities as may

be determined by the Corporation ;

(h) to organize lectures, seminars and conferences with

a view to promoting the objectives of the

corporation ;

(i) to liaise and co-ordinate with other local and foreign

institutions having similar objects to that of the

Corporation;

(j) to train personnel in Sri Lanka or abroad for the

purposes of the Corporation ; and

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(k) to do all other things as are necessary or expedient

for the proper and effective carrying out of the

objects of the Corporation.

Rules of the 7. (1) It shall be lawful for the Corporation, from time to

Corporation. time, at any general meeting of the Corporation 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 fees payable by the members;

(b) the election of office bearers of the Committee or

vacation of or removal from office of office bearers

and the powers, duties and functions of the office

bearers ;

(c) the terms and conditions of appointment, powers,

functions and duties of various officers, agents and

servants of the Corporation ;

(d) the procedure to be followed for the summoning

and holding of meetings of the Committee or any

sub-committee thereof, notices and agenda of such

meetings, the quorum and the conduct of the

business thereat;

(e) the qualifactions and disqualifications to be

members of the Committee and the Corporation;

(f) the administration and management of the property

of the Corporation; and

(g) generally the management of the affairs of the

Corporation and the accomplishment of its’ object

and dissolution of the Corporation.

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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 like

manner, as a rule made under subsection (1) of this section.

(3) The members of the Corporation shall at all times be

subject to the rules of the Corporation made under this

section.

8. (1) The Committee shall maintain a register of Register of

members in which name, address and other essential details members.

of the members shall be inscribed.

(2) No member shall exercise his vote in person or by

proxy or stand election for any office unless he has paid his

subscription and other dues before the annual general

meeting of the Corporation.

9. (1) The Corporation shall have its own Fund. Fund of the

Corporation.

(2) All moneys received by way of gift, bequest,

donations, subscription, contribution, fees or grant for and

on account of the Corporation shall be deposited in one or

more banks approved by the Committee to the credit of the

Corporation.

(3) There shall be paid out of the Fund, all 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 the Act.

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

the calendar year. Auditing.

(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.

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(3) The accounts of the Corporation shall be audited

annually by the Auditor General or a qualified auditor

appointed by Auditor General in terms of Article 154 of the

Constitution.

(4) For the purposes 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 the council of such

institute; or

(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 to practice as an

Accountant issued by the Council of such

institute.

Debts due by 11. All debts and liabilities of the Society existing on

and pyable to the day immediately preceding the date of commencement

the Society.

of this Act, shall be paid by the Corporation hereby

constituted and all debts due to and subscriptions and

contributions payable to the Soceity on that day shall be

paid to the Corporation for the purposes of this Act.

Corporation 12. Subject to the provisions of this Act, the Corporation

may hold

shall be able and capable in law to take and hold any property,

property

movable and movable or immovable, which may become vested in it by

immovable. virtue of any purchase, grant, gift, testamentary disposition

or otherwise, and all such property shall be held by the

Corporation for the purpose of this Act and subject to the

rules of the Corporation made under section 7, with power to

sell, mortgage, lease, exchange or otherwise dispose of the

same.

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13. The moneys and property of the Corporation however Application of

moneys and

derived shall be applied solely towards the promotion of the

property.

objects of the Corporation and no portion thereof shall be

paid or transferred directly or indirectly by way of dividend,

bonus or profit to the members of the Corporation.

14. (1) The seal of the Corporation shall not be affixed Seal of the

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

members of the Committee 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.

(2) The seal of the Corporation shall be in the custody of

an office bearer of the Committee as may be decided by such

Committee.

15. (1) If upon the dissolution of the Corporation there Property

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

any property whatsoever, such property shall not be dissolution.

distributed among the members of the Corporation, but shall

be given or transferred to any other institution having objects

similar to those of the Corporation, and which is by the rules

thereof, prohibited from distributing any income or property

among its members.

(2) For the purposes of subsection (1) the appropriate

institution shall be determined by the members of the

Corporation immediately before the dissolution, at a general

meeting by the majority of votes of the members present.

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

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

Republic.

corporate.

17. In the event of any inconsistency between the Sinhala text

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

case of

prevail. inconsistency.

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