



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

**THARUNYATA HETAK ORGANIZATION
(INCORPORATION) ACT, No. 7 OF 2011**

[Certified on 23rd February, 2011]

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L.D.—O. (INC.) 9/2010.

AN ACT TO INCORPORATE THE THARUNYATA HETAK ORGANIZATION

WHEREAS an Organization called and known as the “Tharunyata Hetak Organization” has heretofore been created for the purpose of effectually carrying out and transacting all objects and matters connected with the said Organization according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Organization 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 Tharunyata Hetak Organization (Incorporation) Act, No. 7 of 2011.

Short title.

2. From and after the date of commencement of this Act, such and so many persons as now are members of the Tharunyata Hetak Organization (hereinafter referred to as “the Organization”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be a body corporate with perpetual succession, under the name and style of the “Tharunyata Hetak Organization” (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.

Incorporation of the Tharunyata Hetak Organization.

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

General objects of the Corporation.

(a) foster and promote mutual understanding, a spirit of national consciousness, goodwill and friendship

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among the citizens of Sri Lanka and to promote peace and harmony among the Sinhala, Tamil, Muslim and Burgher youth in Sri Lanka;

- (b) assist students who prepare for government examinations by conducting lectures, seminars and study tours;
- (c) promote religious harmony, mutual understanding, peaceful co-existence, spiritual development and friendship among the people of Sri Lanka through religious, cultural, social and economic interactions;
- (d) assist needy students by providing them with books and other equipment and school uniforms and to grant scholarships to students who are in the secondary and tertiary stage of their education;
- (e) identify the talents of students at rural and provincial levels in areas such as sports and music and to encourage them to excel in them by providing the infrastructure required therefor;
- (f) identify projects suitable for young school leavers and assist them in carrying out such projects with a view to training such youth to meet the competitive demands for future employment;
- (g) assist youth financially and otherwise in order to develop their personal skills and aptitude and to enable them to take up self employment;
- (h) assist differently abled youth in developing their personality;
- (i) conduct awareness programmes for youth in order to promote a tobacco, alcohol and a drug free society and build a healthy, disciplined, patriotic and humane generation;

- (j) conduct programmes to discuss the problems faced by the youth in different areas in Sri Lanka due to lack of infrastructure facilities such as water, housing and roads and provide amenities to such needy youth;
- (k) organize and mobilize youth in voluntary activities in order to find solutions to shortcomings in infrastructure;
- (l) identify the health requirements of the youth in rural and remote areas and to conduct medical camps and clinics in such areas and through such camps and clinics supply medicines to the needy;
- (m) facilitate the exchange of youth delegations with other international organizations having similar objects with a view to building friendship and understanding between Sri Lanka and other countries; and
- (n) assemble and unite all youth under this Organization with a view to promoting national harmony and peace within Sri Lanka;

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

Powers of the Corporation.

- (a) open, operate and close bank accounts;
- (b) borrow or raise money with or without security, and to receive or collect grants and 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 Committee of Management;
- (d) purchase, acquire, give on lease or hire, sell or otherwise obtain any movable or immovable

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property which may be required for the purpose of 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 promoting 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 Corporation;
- (f) enter into, 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; and
- (g) appoint advisory councils, committees or sub committees as and when necessary to carry out any functions of the Corporation as may be determined by the Committee of Management.

Management of
the Affairs of
the Corporation.

5. (1) The management, control and administration of the affairs of the Corporation shall, subject to the provisions of this Act and the rules of the corporation made under section 6 of this Act, be administered by a Committee of Management consisting of not less than five members.

(2) No act or proceeding of the Committee of Management 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 a member thereof.

(3) The first Committee of Management shall consist of the members of the Committee of Management holding office on the day immediately preceding the date of commencement of this Act and shall continue to hold office until a new Committee of Management is elected in accordance with the rules made under section 6 of this Act.

6. (1) It shall be lawful for the Corporation, from time to time, at any general meeting 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 other written law, on all or any of the following matters—

Rules of the Corporation.

- (a) the classification of membership and the admission, withdrawal 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, conduct and duties;
- (c) the election of the members of the Committee of Management and its powers, duties and conduct and the terms of office of members of the Committee of Management;
- (d) the powers, duties, functions 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 Committee of Management, the times, places, notices and agenda of such meetings, the quorum thereof 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.

(2) Any rule made by the Corporation may be amended, altered, added or rescinded at a like meeting and in the like manner, as a rule made under subsection (1).

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(3) The members of the Corporation shall be subject to the rules of the Corporation.

Register of the Members of the Corporation.

7. The Secretary of the Committee of Management shall keep and maintain a register containing the names of the members of the Corporation.

Corporation may hold movable and immovable property.

8. Subject to the provisions of this Act, the Corporation shall be able and capable in law to acquire and hold any property both movable and immovable, which may become vested in it by 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 6, with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

Fund of the Corporation.

9. (1) The Corporation shall have its own fund and all monies heretofore or hereafter to be received by way of gifts, testamentary dispositions, grants, donations, contributions or fees on behalf of the Corporation shall be deposited to the credit of the Fund of the Corporation in one or more banks as the Committee of Management 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 calendar year.

Debts due by and payable to the Organization.

10. All debts and liabilities of the Organisation existing on the day preceding the date of commencement of this Act, 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 Organisation on that day shall be paid to the Corporation for the purposes of this Act.

11. No member of the Corporation shall for the purpose of discharging the debts and liabilities of the Corporation or for any other purpose, be liable to make any contribution exceeding the amount due from such member as membership fees.

Limitation of
Liability of
Members.

12. (1) The Corporation shall cause proper accounts to be kept of its income and expenditure, assets and liabilities and all other transactions of the Corporation.

Accounts and
Audits.

(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 the Council of such Institute; or
- (ii) 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.

13. The Seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the President and the Secretary or two other members of the Corporation as may be decided by 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 as a witness.

Seal of the
Corporation.

Property remaining on dissolution.

14. If upon the dissolution of the Corporation, there remains any property whatsoever, after the satisfaction of all 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 institution or institutions may be determined by the members of the Committee of Management on or before the dissolution of the Corporation.

Saving of the rights of the Republic and others.

15. Nothing contained in this Act shall prejudice or affect the rights of the Republic, any body politic or corporate.

Sinhala text to prevail in case of inconsistency.

16. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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