PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

HEADANG EDUCATION FOUNDATION (INCORPORATION)

A

BILL

to incorporate the Headang Education Foundation

Presented by Hon. (Ms.) Kamala Ranathunga M. P. on 10th February 2011

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AN ACT TO INCORPORATE THE HEADANG EDUCATION FOUNDATION

WHEREAS a Foundation called and known as the "Headang Preamble. Education Foundation" has heretofore been established for the purpose of effectually carrying out and transaction all objects and matters connected with the said Foundation

5 according to the rules agreed to by its members :

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the several objects for which it was established and has applied to be incorporated and it will be for the public advantage to grant

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 Headang Education Short title. Foundation (Incorporation) Act, No. of 2011.

- 15 2. From and after the date of commencement of this Act, Incorporation such and so many persons as now are members of the "Headang Education Foundation" or shall hereafter be admitted as members of the "Headang Education Foundation" shall be a Foundation body corporate (hereinafter referred to as the "Corporation")
- 20 with perpetual succession under the name and the style of the "Headang Education Foundation", and by that name may sue and be sued in all Courts, with full power and authority to have and use a common seal and alter the same at its pleasure.
- 25 **3.** The general objects for which the Corporation is General objects of objects of the constituted are hereby declared to be—

General objects of the Corporation.

- (*a*) to initiate early childhood development centers in order to guide children to schools ;
- (*b*) to establish children's parks that will be helpful in the mental and physical development of children ;
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¹⁰ such application :

- (c) to print, publish, distribute books, magazines, newspaper and journals and to establish and maintain libraries;
- (d) to provide books, equipments, clothing, computers and accessories, loans and other financial assistance to the needy children of low income families;
 - (e) to establish centers with residential facilities for the provision of education to children of low income families who have lost either mother or father and for children of vulnerable families whose parents are employed overseas and to integrate children with schools ;
 - (f) to establish Information Techonology Centers throughout the island to enhance science education and develop the country;
 - (g) to establish and develop schools to provide education in English medium, and to provide common amenities and maintain the same ;
- (*h*) to initial, develop and maintain Dhamma schools for Buddhist Dhamma school education ;
 - (*i*) to work in close collaboration with local and foreign governmental and non-governmental organizations to provide education and vocational training for students;
- 25 (*j*) to implement projects to generate income for the Foundation ; and
 - (k) to do all such acts and things as may be necessary for the accomplishment of all or any of the objects of the Corporation.

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4. Subject to the provisions of this Act and any written General law, the Corporation shall have the power, including the Powers of the following, to do, perform and execute all such acts, matters and things whatsoever as are necessary to desirable for the

promotion or furtherance of the objects of the Corporation or 5 any one of them :---

- (a) to acquire, hold, rent, lease, mortgage, pledge, sell, exchange or engage in other manner or otherwise dispose of any immovable property, required for the purpose of the Corporation.
- (b) to enter into, perform and execute all such agreements or contracts necessary for the purpose of accomplishing the functions or to execute the powers of the Corporation either directly or through an officer or an agent of the Corporation who is duly authorized by the Corporation.
- (c) to appeal for, receive and collect grants and donations in cash or otherwise;
- (d) to invest the funds of the Corporation and to 20 maintain current or savings accounts in any bank ;
 - (e) to obtain loans or invest the monies required for the purpose of the Corporation in a manner stipulated as appropriate by the Corporation and with guarantees deemed appropriate ;
- 25 (f) to publish or take action to publish books, journals, magazines and other documents and to establish and maintain libraries, bookshops, and printing houses ;
 - (g) to appoint, employ, transfer and dismiss officers and servants required for realizing the objects of the Corporation and to maintain disciplinary control over them and to stipulate terms and conditions regards their service ;

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- (*h*) to do all such acts and things as may be necessary, incidental or beneficial to fulfill and accomplish the objects of the Corporation.
- 5. (1) The affairs of the Corporation shall, subjects to Management 5 the rules in force for the time being of the Corporation be of the affairs administered by an Executive Committee consisting of not of the more than nine members as may be provided for in such rules and consisting of the Chief Consultant, two Chairmen, Administrative Director, Managing Director, Treasurer, three
- 10 members of the Board of Directors.

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(2) The first Board of Management of the Corporation shall consist of the members holding office in the Foundation on the day immidiately preceding the date of commencement of this Act.

- 15 6. (1) It shall be lawful for the Corporation to make rules Rules of the with regard to all or any of the following matters 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 such rules, as are not inconsistent with
- 20 the provisions of this Act or any other written law :-----
 - (a) the election, appointment or nomination of members of the Board of Management, their powers, functions and their term of office ;
 - (b) the powers, conduct, role and functions of various officers, agents and servants of the Corporation ;
 - (c) the procedure to be adopted in convening and holding the meetings of the Corporation and the Board of Management, the time, venue, notices, agenda, quorum and the general conduct of such meetings;
 - (d) qualifications and disqualifications for the membership of the Board of Management of the Corporation ;

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Headang	Education	Foundation	
(Incorporat	tion)	

- (e) the administration and management of the property of the Corporation, the custody of its funds and maintenance and audit of its Accounts ; and
- (f) the management of the affairs of the Corporation and the accomplishment of its objects.

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

- (3) The rules of the Corporation shall be subject to the 10 rules in force on the day immediately preceding the date of commencement of this Act, shall, in so far as they are not inconsistent with the provisions of this Act or any other written law, deemed to be rules of the Corporation made under this section.
- (4) The members of the Corporation shall be subjected to 15 the rules of the Corporation.

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 Administrative Director or the

20 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 existing Debts due by on the day preceding the date of commencement of this Act and payable 25 shall be paid and discharged by the Corporation hereby constituted and all debts due to and subscriptions and contributions payable to the Foundation on that day shall be paid to the Corporation for the purposes of this Act.

9. (1) The Corporation shall have its own fund and all Fund of the 30 gifts, donations subscriptions, fees or grants accepted for and Corporation. on behalf of the Corporation hereinafter shall be deposited to the credit of the Corporation in one or more Banks.

to the Corporation.

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(2) All monies required for settling the expenses incurred by the Corporation in implementing and executing the powers, duties and functions under this Act shall be settled from the fund.

5 10. (1) The financial year of the Corporation shall be Accounts and 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.

- 10 (3) The accouts of the Corporation shall be audited by a qualified auditor in 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 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 25 any property whatsoever, such property shall not be dissolution. distributed among the members of the Corporation, but shall be given or transferred to some other Association or associations having objects similar to the objects of the Corporation and which is or are by the rules thereof prohibited

30 from distributing any income or property, among its or their members. Such Association or Associations shall be determined by the members of the Corporation at or immediately before, the time of the dissolution of the Corporation.

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12. Nothing contained in this Act shall prejudice or Saving of the affect the rights of the Republic or of any body politic or rights of the corporate, or of any other persons, except such as are mentioned in this Act and those claiming by, from, or under
5 them.

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13. In the event of any inconsistency between the Sinhala text sinhala and Tamil texts of this Act, the Sinhala text shall to prevail in case of inconsistency.

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