



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

**PIYA DASUNA FOUNDATION
(INCORPORATION)**

A

BILL

to incorporate the Piya Dasuna Foundation

*Presented by Hon. Arundika Fernando M. P. for Puttalam District
on 22nd June, 2011*

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[Bill No. 113]

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Piya Dasuna Foundation
(Incorporation)

AN ACT TO INCORPORATE THE PIYA DASUNA FOUNDATION

WHEREAS an Association called and known as the “Piya Dasuna”, has heretofore been formed for the purpose of effectually carrying out and transacting all objects and matters connected with the said Association according to the rules agreed to by its members :

Preamble.

AND WHEREAS the said Association has heretofore successfully carried out and transacted the objects and matters for which it was formed and has applied to be incorporated and it will be for the public advantage to grant such application :

10

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 “Piya Dasuna Foundation (Incorporation)” Act, No. 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 “Piya Dasuna” (hereinafter referred to as the “Foundation”) or shall hereafter be admitted as members of the Corporation hereby constituted, shall be and become a body corporate (hereinafter referred to as the “Corporation”), with perpetual succession, under the name and style of the “Piya Dasuna” 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.

Incorporation of the Piya Dasuna Foundation.

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

The general objects of the Corporation.

(a) to provide facilities to make efficient and fruitful use of young labour and ability for the development of the nation;

2 *Piya Dasuna Foundation*
(Incorporation)

- (b) to promote peace, goodwill, understanding and cooperation among all communities and people of Sri Lanka ;
- 5 (c) to give assistance, prizes and scholarships to needy school children to enable them to continue their education, encourage them to attend school regularly, assist them in their educational, philosophical, religious, cultural and scientific activities and to establish permanent and mobile libraries ;
- 10 (d) to promote and protect and Human rights, Human values, fundamental freedoms, democracy and pluralism in Sri Lanka ;
- 15 (e) to promote social and cultural activities for enriching different ethnicities and for intergrading the Sri Lankan communities ;
- (f) to empower women, children and the marginalized groups such as persons with disabilities, the poor etc. ;
- 20 (g) to promote and encourage humanitarian, sports, literary, spiritual activities ;
- (h) to assist in the development of educational, religious, cultural, aesthetic and sports facilities without any reference to race, religion or caste and to conduct various festivals and competitions ;
- 25 (i) to provide medical relief and food for the poor, destitute and sick persons, establish and maintain houses for displaced persons and elders and establish and maintain Children's Homes and day care centres for children and elders ; and
- 30 (j) to liaise and co-ordinate with other local or foreign institutions which have similar objects ;

4. (1) The affairs of the Corporation shall, subject to the other provisions of this Act and the rules in force for the time being of the Corporation be administered by a Board of Directors consisting of Chairman and a Secretary, Treasurer and another nine members elected in accordance with such rules.

Management
of the Affairs
of the
Corporation.

(2) The founder member of the Foundation, Honourable Anura Piyadarshana Yapa shall be the Chairman of the Board of Directors for life and thereafter, the Family member of the person who was holding office as the Chairman shall become the next Chairman of the Board of Directors.

(3) The first Board of Directors of the Corporation shall consist of the members of the Board of Administration of the Foundation holding office on the day immediately preceding the date of commencement of this Act.

(4) A member of the Board of Directors other than the Chairman shall unless he vacates his office earlier by death or resignation, hold office for a period of four years. Where due to death or resignation a vacancy occurs in the Board of Directors a new member shall be appointed to fill such vacancy and such a new member shall hold office for a period of four years.

5. Subject to the provisions of this Act and any other written law, the Corporation shall have the power to do, perform and execute, all such acts, matters and things as are necessary or desirable for the promotion of furtherance of the objects of the Corporation or anyone of them including the power to open, operate and close bank accounts, to borrow or raise money with or without security, to receive or collect grants and donations, to invest its funds and to engage, employ and dismiss servants required for the carrying out of the objects of the Corporation.

General
Powers of the
Corporation.

6. (1) It shall be lawful for the Corporation from time to time at any general meeting of the members and by votes of at least 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 :—

Rules of the Corporation.

- (a) classification of membership, admission, withdrawal, expulsion or resignation of members and membership fees payable ;
- 10 (b) procedure to be observed for the summoning and holding of meetings of the Corporation and of the Board of Directors, the quorum for such meetings and the exercise and performance of their powers and duties ;
- 15 (c) the appointment, powers, duties and functions of the various officers, agents and servants of the Corporation ;
- (d) qualifications required to become a member of the Corporation and of the Board of Directors ; and
- 20 (e) the administration and management of the property of the Corporation.

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

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

7. All debts and liabilities of the Association existing on the day preceding the date of commencement of this Act shall be paid by the Corporation, hereby constituted and all debts due to, subscriptions and contributions payable to, the Association on that day shall be paid to the Corporation for the purpose of this Act.

Debts due by and payable to the Centre.

8. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gifts, bequest, donation, subscription, contribution, 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 Directors shall determine.

Funds of the Corporation.

(2) There shall be paid out of the fund, all sums of money required to defray any expenditure incurred by the Corporation in the exercise, performance and discharge of its powers, duties and functions under this Act.

9. The Corporations shall be able and capable in law to acquire and hold any property, movable or 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 purposes of this Act and subject to the rules in force for the time being of the Corporation, with full powers to sell, mortgage, lease, exchange or otherwise dispose of the same.

Corporation may hold property movable and immovable.

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

Limitation of liabilities of members.

11. If upon the dissolution of the Corporation there remains, after the satisfaction of all its debts and liabilities, 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 its rules prohibited from distributing any income or property among its members.

Property remaining on dissolution.

12. (1) The Board of Directors of the Corporation shall cause proper accounts to be kept of all moneys received and spent by the Corporation.

Audit and accounts of the Corporation.

(2) The financial year of the Corporation shall be the calendar year.

(3) The Accounts of the Corporation shall be examined and audited at least once in every year by an auditor or
5 auditors appointed by the Board of Directors.

13. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of chairman and one member of the Board of Directors who shall sign their names to the instrument in token of their
10 presence and such signing shall be independent of the signing of any person as a witness.

Seal of the Corporation.

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

Saving of the rights of the Republic and others.

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

Sinhala text to prevail in case of inconsistency.

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STATEMENT OF LEGAL EFFECT

This Bill seeks to amend to Economic Service Charge Act, No. 13 of 2006 and the legal effect of such amendments are to provide for—

- (a) the rate of the Economic Service Charge being paid on the turnover arising on or after April 1, 2008 from the export of any articles or goods not to exceed
0.25 *per centum* ;
- (b) the remainder if any, of the amount paid as Economic Service Charge paid prior to March 1, 2006, after the deduction of income tax therefrom, shall be deemed to be a payment made in respect of the quarter commencing on April 1, 2008 ;
- (c) amendments to be made to the Schedule to the Act, by amending the rate in items 4, 5 and 11 of the Schedule and the insertion of two new items 4a and 11a to such Schedule.