



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

**SAHANA COMMUNITY DEVELOPMENT
FOUNDATION (INCORPORATION)**

A

BILL

to incorporate the Sahana Community Development Foundation

*Presented by Hon. Buddhika Pathirana, M.P. for Matara District
on 08th December, 2015*

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*Sahana Community Development Foundation
(Incorporation)*

AN ACT TO INCORPORATE THE SAHANA COMMUNITY DEVELOPMENT
FOUNDATION (INCORPORATION)

WHEREAS an Foundation called and known as the “Sahana Community Development Foundation” has heretofore been formed in for the purpose of effectually carrying out and transacting the objects and matters connected with the said Foundation according to the rules agreed to by its members:

Preamble.

AND WHEREAS the said Foundation has heretofore successfully carried out and transacted the several objects and matters for which it was formed 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 Sahana Community Development Foundation (Incorporation) Act, No. of 2015.

Short title.

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

Incorporation of the Sahana Community Development Foundation.

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

General objects of the Corporation.

(a) to give physical and qualitative assistance and encouragement to schools and to enable the school children to achieve the required educational qualification ;

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- (b) to conduct special services for needy school children and to offer assistance by way of scholarships, library facilities and other necessary support for studies ;
- 5 (c) to organize educational programs and classes to assist students to prepare for public and other examinations;
- (d) to conduct workshops, discussions and seminars on the matters of educational interest ;
- 10 (e) to make provision to exhibit, improve and appreciate the cultural talents of school children and award certificates to talented school children ;
- (f) to implement a special training programme to build up a generation of children who appreciate values and good conduct on practical terms ;
- 15 (g) to conduct workshops, discussions and seminars to train teachers of the Daham schools and the pre-schools and to provide incentives to inaugurate pre-schools with the approval of the relevant provincial educational authorities if so required by law ;
- 20 (h) to conduct leadership camps and workshops to school children to build up leadership qualities and to provide necessary skills to equip them for practical living ;
- 25 (i) to conduct a practical programmes which develop patriotism in order to develop a generation of school children with physical capability through a programme of sanitation, health habits and a programme for sports and physical education ;
- 30 (j) to organize educational tours, shramadanas and workshops, aimed at protecting Sri Lanka's heritage, environment and forestry ;

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- (k) to support and encourage the services provided by senior citizens movements ;
- 5 (l) to give full support and assistance to informal, education programmes, special education programmes and elders education programmes ;
- (m) to encourage farmers engaged in traditional and export oriented agricultural activities and to conduct various activities to enable them to expand their knowledge ;
- 10 (n) to assist in various programmes implemented for granting necessary facilities for the 'Ranaviru' ;
- (o) to take action to provide self employment and necessary support and training to the unemployed youth community ;
- 15 (p) to liaise and co-ordinate with other local or foreign institutions which have similar objects ;
- (q) to establish housing projects for the low income groups, and to provide for their betterment ;
- 20 (r) to develop religious places belonging to all the religions ;
- (s) to assist needy people to obtain health facilities ;
- (t) to assist in the activities of societies established in Grama Niladhari divisions ; and
- (u) to assist and act for the welfare of the pensioners.

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5 (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, caste, religion, language, sex or political opinion.

10 4. (1) The affairs of the Corporation shall, subject to the provisions of this Act and the rules of the Corporation, made under Section 6, be administered by a Board Directors consisting of the Chairman, Secretary, Treasurer and five members elected in accordance with such rules.

Management
of the Affairs
of the
Corporation.

(2) 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 his election.

15 (3) A member of the Board of Directors shall unless he vacates his office earlier by death or resignation, hold office for a period of four years reckoned from the date of his election.

20 (4) If any member of the Board of Directors vacates his office prior to the expiry of his term, his successor elected in accordance with the rules of the Corporation shall hold office only for the unexpired term of office of the member who he succeeds.

25 5. Subject to the provision 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 whatsoever as are necessary or desirable for the furtherance of its objects or any one of them, including the power to acquire and hold property movable or immovable, to open, operate and close bank account, to borrow or raise moneys with or without security, to receive or collect grants or

General
Powers of the
Corporation.

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donations, to invest its funds to erect any building or structures on any land held by the Corporation, and to engage, employ and dismiss, officers and servants required for the carrying out of the objects of the Corporation.

- 5 **6.** (1) It shall be lawful for the Corporation, from time to time at any general meeting of the members 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
- 10 matters :—
- Rules of the Corporation.
- (a) classification of membership, admission, withdrawal, expulsion or resignation of members and membership fees payable ;
- 15 (b) the procedure to be observed for the summoning and holding of meetings of the Corporation and of the Board of Directors, the quorum the for such meetings and the exercise and performance of their powers and duties ;
- 20 (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 ;
- (e) election of Board of Directors ; and
- 25 (f) the administration and management of the property of the Corporation.

(2) Any rules 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).

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(3) Every member of the Corporation shall be subject to the rules of the Corporation made under this section.

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

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Debts due by and payable to the Foundation.

8. (1) The Corporation shall have its own fund and all moneys heretofore or hereafter to be received by way of gift, 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.

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Fund 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 the its powers, duties and functions under this Act.

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9. The Corporation 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 purchase, grant, lease, 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 and the Corporation shall have full power to sell, mortgage, leas, exchange or otherwise dispose of the same.

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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 be liable to any contribution exceeding the amount of such membership fees as may be due form him to the Corporation.

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Limitation of liability of members.

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11. If upon the dissolution of the Corporation there remains after the satisfaction of its debts and liabilities any property whatsoever, such property shall not be distributed among the members of the Corporation, but shall be given
5 or transferred to some other institution or institutions having objects similar to those of the Corporation and which is or are by its or their rule prohibited from distributing any income or property among its members such institution or
10 institutions shall be determined by the members of the Corporation at or immediately before, the time of dissolution of the Corporation.

Property remaining and dissolution.

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

Audit and accounts of the Corporation.

15 (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 a qualified auditor or auditors appointed by the Board of Directors.

20 (4) 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
25 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
30 Accountant, issued by the Council of such institute.

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5 **13.** The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of the Chairman and the Secretary 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. Seal of the Corporation.

14. Nothing in this Act contained shall prejudice or affect the rights of the Republic or any body politic or corporate. Saving of the rights of the Republic and others.

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

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